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The Pittsburgh Commercial.

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1874 - 1874

The Pittsburgh

COMMERCIAL,

DAILY AND WEEKLY

LEADING

Pennsylvania Paper.

The claims of the COMMERCIAL upon the reading public for support are based upon its past record as a progressive journal. Treating all topics and questions fearlessly and honestly, it will not be content to pursue the beaten path, but will endeavor to mark out new and improved ways in journalism. The Press is destined to play a still more important part in the education of the people, and as the reflector of advanced public sentiment. Always in the van hertofore, it will not now be content to lag in the rear, but will be fully abreast of the times in everything that relates to the general welfare. As a Paper of

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Medium of the Latest News

The COMMERCIAL is widely known and appreciated. Many Thousands of Dollars are annually expended in gathering matter to supply the wants of the public. As

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The COMMERCIAL will continue to discuss men and measures with perfect freedom and impartiality, always with an eye to the advancement of right and the public weal, believing that the principles of the great REPUBLICAN PARTY will be thus best served. Believing that in free discussion and the independent expression of opinion only can our institutions be preserved, the COMMERCIAL will, when it may seem necessary, criticise its own party for its own good

As a Business Paper,

The COMMERCIAL will hereafter, as in the past, employ every agency to keep up with and to meet the wants of the public. Now that the period of party excitement has been passed, it will pay special attention to topics interesting in the counting room, the banks and marts of trade, giving prominence to Science, Art, Invention, Agriculture and Manufactures. As

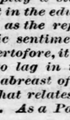
A Paper for the Family,

It will give reading matter calculated to instruct, improve the mind, and elevate the taste. As

A Market Paper,

Its reports will always possess a special excellence, so that the buyer and seller can at all times consult its columns for every necessary information as to prices and the spirit of the different branches of trade. Everything that is bought and sold in the Pittsburgh market and the leading markets of the country will receive careful attention.

The field of Journalism is constantly expanding. It will be the aim of the COMMERCIAL to hold a position in it on a level with the very best newspapers of the country.



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WASHINGTON.

WASHINGTON, D. C., December 4, 1873.

Revision of the Rules.

In the House of Representatives there is a general disposition to revise the rules, in order to correct abuses which have resulted in great delay to business and useless expense. Of late, any member of that body accused of irregularities, has resorted to the practice of demanding an investigation on the slightest pretense. Judge Poland proposes to refer such matters to a standing committee instructed to report upon the necessity of such investigation, before it shall be ordered. This, however, will be strongly opposed, as it places a dangerous power in the hands of a majority to suppress its own evils. The propositions to keep independent legislation out of appropriation bills, and that which will permit conference reports to be agreed to, or rejected, in part, are a great advance. At present, the latter must be acted upon as a whole, and in this manner objectionable legislation, back-pay for instance, has been carried through.

The Standing Committee.

There are no material changes in the organization of the several committees. Mr. Sumner has been assigned to the Committee on Education, of which Flanigan, of Texas, the least educated man in the Senate, is the chairman.

Anti-War Policy.

The following is the full text of the resolutions introduced into the Senate by Mr. Sumner looking to the abolition of war and the adjustment of international disputes by arbitration:

Whereas by international law and existing custom war is authorized as a form of trial for the determination of differences between nations; and whereas for generations good men have protested against the immoral character of the arbitrament, where force instead of justice prevails, and have anxiously sought for a substitute in the nature of a judicial tribunal, all of which was expressed by Franklin in his exclamation: "When will mankind be convinced that all wars are follies, very expensive and very mischievous, and agree to settle their differences by arbitration?" and whereas war once prevailed in the determination of differences between individuals, between cities, between counties, and between kings, but progress and civilization have long since substituted for these cases as the arbiter of justice, but at last yielded to a judicial tribunal; and now, in the progress of civilization, the time has come for the extension of this humane principle to nations, so that their differences may be taken from the arbitrament of war, and, in conformity with these examples, submitted to a judicial tribunal; and whereas arbitration has been formally recognized as a substitute for war in the determination of differences between nations, being especially recommended by the Congress of Paris, which was assembled the representatives of England, France, Russia, Prussia, Austria, Sardinia and Turkey, and afterward adopted by the United States in formal treaty with Great Britain for the determination of differences arising from depredations of British cruisers, and also from opposing claims which led to the Geneva award; and whereas it becomes important to consider and settle the true character of this beneficent tribunal, thus commended and adopted, so that its authority and competence as a substitute for war may not be misunderstood or unjustly limited, or to the end that civilization may be limited in its sphere: Therefore,

Resolved, That in the determination of international differences arbitration should become a substitute for war in reality as in name, and, therefore, co-extensive with war in jurisdiction, so that any question or grievance which might be the occasion of war or of misunderstanding between nations should be considered by this tribunal.

Resolved, That the United States, having at heart the maintenance of peace everywhere, and hoping to help its permanent establishment between nations, hereby recommend the adoption of arbitration as a just and practical method for the determination of international differences, to be maintained sincerely and in good faith, so that it may cease to be regarded as a proper form of trial between nations.

Financial Schemes.

The financial question in Congress was started in the Senate by the introduction of a resolution submitted by Senator Ferry, of Michigan, providing for an investigation of the subject with a view to a new national system of banking and currency. The following is the full text:

Resolved, That the Committee on Finance be instructed to consider the expediency of providing for a national system of banking and currency, in lieu of the present one, which shall embody the substantial features following, to wit:

First. Banking to be open and free to all, individuals and associations, without limitation of capital.

Secondly. The maximum currency circulation to be secured by United States bonds of dollars, exclusive of fractional, and to be issued and authenticated solely by the Government, of uniform character, with "United States Currency" thereon, and its face, made lawful money and a legal tender for all public and private dues, except duties on imports and interest on the public debt, and convertible on demand into Government bonds bearing interest at 6 6-100 of one per centum per annum.

Thirdly. The Government to issue bonds stamped "Currency Bonds," of the denominations of $100 and multiples, bearing interest at the rate of 6 6-100 of one per centum per annum, convertible into currency payable on demand, and to be exempt from taxation by Federal, State, municipal and local authority.

Fourthly. Substitution of United States currency for national currency, to be done at the convenience of the Government, without diminishing the total of the currency circulation, and bonds held for the security of the national currency to be substituted with the banks by purchase or surrender, substituting for United States currency for other existing forms in bringing about uniformity of currency, to likewise be done without lessening the current circulation.

Fifthly. For immediate relief to existing monetary stringency, the forty-first section of the Treasury to serve to be issued without delay, in the purchase of Government bonds bearing the higher rates of interest, and, as fast as practicable, additional purchases of like bonds to be made with United States currency, lands and bonds as aforesaid.

Sixthly. Preparatory to withdrawal of the fractional currency, the Secretary of the Treasury required to make public declaration of a period after which to begin the redemption, in silver coin, of denominations of twenty-five cents and under; also a second period designated at which to commence like redemption of the remaining fractional currency then in circulation, and all so redeemed, to be destroyed.

And that the committee report at as early a day as practicable by bill or otherwise.

The Corn Crops.

The November digest of the crop returns, received at the Agricultural Department show the yield of the corn crop for the past season to be 88,000,000 bushels. The quality is reported poorer than last year. The Western States give the following figures: The prevailing characteristics of the season have been a wet spring, a summer to dry and short, early frosts, in many places cool rains in early autumn. The early-planted corn ripened well; much of the late-planted was immature when frost came, some of it so soft as to be of little value after thorough freezing. That portion of the early planted which was deficient in drainage, either natural or artificial, was either "drowned out" or injured in its vitality and subsequent growth.

The winter set in too early for the in-gathering, one county in Wisconsin having ten inches of snow when only a third of the crop had been harvested. The losses always appreciate through insufficient or inefficient culture are doubly manifest in a season like this. Indications of this fact are everywhere observable in such remarks as these: "Intelligent cultivation has produced good crops;" "Crops shortened one-fourth by bad culture;" "Corn culture is declining through a lack of rotation."

The following is the return for Pennsylvania:

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Special Dispatch to the Commercial.

WASHINGTON, D. C., December 7, 1873.

The Virginius—Peaceful Solution Probable.

The exciting rumors which have been put in circulation during several days just past, have had the effect to bring the matter of our relations with Spain once more to the surface. The apprehensions of a rupture which have been so freely expressed have been discussed with much interest in the hotels and other public places. The last intelligence from Havana, received here to-day, puts a different phase on the subject, and once more the situation is regarded as giving token of a pacific solution. It is looked upon here as a very natural thing for the Havanese to indulge in a little stormy excitement over the surrender of the Virginius, but that they have let off the superfluous steam. They evince a disposition to take a calmer view of things, and will no doubt be able to witness that giving up of the vessel with a tolerable degree of equanimity. It must be remembered that when Commodore Wilkes took Mason and Slidell off the deck of the Trent, that the House of Representatives unanimously voted him its thanks and both Congressmen and people emphatically declared that we would go to war with Great Britain before they should be given up; yet we did give them up and did not go to war about it. The volunteers are only now following our example in threatening, and there need be no doubt that they will follow it throughout.

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Senator Sumner's Views.

Ever since the capture of the Virginius, he has closely watched every turn in the negotiations, and expresses himself as very much astonished at the course pursued by the United States. He thinks the Government has been over hasty and has managed to get itself into an awkward place. He condemns the executions at Santiago, but thinks that our demands for reparation should have been preceded by a careful investigation of the history of the vessel and her acts. The question of national honor, he thought, had various interpretations and was affected by circumstances; that if the vessel were violating the International amity, the seizure of the vessel was no insult to the flag. War, he thought, was a grave matter, and as such, all questions capable of such a result should be investigated most carefully before acting. The Senator said there were few questions in these days which could not be settled by arbitration. His speech on the Alabama treaty had suggested the application of this principle to the settlement of international disputes, and in the tribunal of Geneva it was especially illustrated. He thinks the same rule may be applied to us in the Virginius case. We have demanded a surrender of the vessel, and arbitration may show that she was engaged in an illegal trade, in which event we would be liable for damages during the entire career of the vessel, which was not brief. The Senator has evidently a full budget, and all he needs is an opportunity.

Special Dispatch to the Commercial.

WASHINGTON, D. C., December 8, 1873.

General Amnesty.

The passage of the general amnesty bill, which also repeals the test oath of 1862, indicates the magnanimity of the House. The test oath, however, has for some time been a dead letter, as, almost without exception, any one elected by the people has been sworn in.

Number of Bills Offered.

If the number of bills is to regulate the amount of business done during the present session, the country will be well supplied with legislation. To-day 262 bills and resolutions were introduced. This, added to the torrent poured into the House last Thursday, makes over six hundred on the calendar of the House alone. Many more, perfectly considered, next session. The bulk will never leave the committees.

Naval Appropriation.

The House Committee on Appropriations will to-morrow consider the letter of the Secretary of the Navy asking an appropriation of five millions for the fitting out of the navy. The Secretary to-day had a long conference with the appropriations with the committee, in which he gave many particulars respecting the nature of the present warlike preparations. The amount thus far consumed has reached one half of the eighteen millions appropriated for the naval establishment for the present fiscal year. The committee will report the bill favorably, and there is no doubt that the House will pass it promptly.

Feeling on War Claims.

Since the war, a number of claims have been presented for loss of property sustained in consequence of the war. These come chiefly from the South, and some have been favorably acted upon. The legality of their recognition is questioned by a considerable party in both houses, and were all to be included, the amount would be so large as to run about twenty millions. The House Judiciary Committee have a proposition before them ignoring this class of claims entirely.

Dissolution of the Syndicate.

It is understood that the Syndicate has been dissolved. The Rothschilds and Barings, bankers of London, declining to have business relations with Jay Cooke, McCulloch & Co.

WASHINGTON, D. C., December 8, 1873.

MINISTER SICKLES' RESIGNATION.

There is a reluctance in official quarters to talk about the anticipated or actual resignation of Minister Sickles, pending the protocol. There is one thing on which it was owing the unsatisfactory conduct of Sickles that negotiations were consummated at Washington by Secretary Fish and Admiral Polo. General Sickles, being a retired officer with a salary of $5,625, was at liberty to quit the service, and in accepting the office of Minister to Spain, in May, 1869, he has drawn the actual salary of $12,000 for this service, but nothing on the army account, as the law prohibits the drawing of more than one salary. On this retirement as Minister, he will draw his army pay.

NAVAL APPROPRIATION ASKED FOR.

The Secretary of the Navy to-day sent the following letter to the Speaker of the House of Representatives, which has been referred by the Committee on Appropriations: "Under the circumstances of the present emergency, I am compelled to ask that a special appropriation be made to cover the expenses of putting the iron clad and cruise navy of the United States in condition for immediate and active service. I have taken measures to put every available iron clad in commission, and of like bonds to be made with United States currency, lands and bonds as aforesaid.

Sixthly. Preparatory to withdrawal of the fractional currency, the Secretary of the Treasury required to make public declaration of a period after which to begin the redemption, in silver coin, of denominations of twenty-five cents and under; also a second period designated at which to commence like redemption of the remaining fractional currency then in circulation, and all so redeemed, to be destroyed.

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THE VIRGINIUS.

FROM HAVANA—BETTER FEELING PREVALENT—VIRGINIUS PRISONERS.

HAVANA, December 5, via KEY WEST.—The city continues quiet. The feeling on the question of the delivery of the Virginius has experienced considerable change since yesterday. Many Spaniards are now in favor of the immediate quiet delivery of the vessel to the United States authorities, considering that the contrary course would place them in open rebellion to the government of Spain. Leading officers of volunteers held a meeting this morning in the residence of Senor Zulueta, President of the Casino Espanole. Senor Zulueta subsequently informed American gentlemen that the Virginius would be delivered quietly. It is reported that Senor Zulueta has received a telegram from Senor Colvo, representative at Madrid of the Casino Espanole, counseling the delivery of the Virginius, and saying that Spain will afterwards claim one hundred million dollars damages from the United States. The proposal to send the Virginius to Spain, and there turn her over to an American man-of-war, is received with favor by the Spaniards. Battalions of volunteers are forming.

United States naval officers at Santiago de Cuba report officially that the number of men captured on the Virginius, was one hundred and fifty-five, and of these fifty-three were executed. Of the one hundred and two now living, fourteen are native or naturalized Americans. The remainder are of various nationalities.

HAVANA, December 6.—The feeling in this city continues to improve. The opposition to the delivery of the Virginius is decreasing. Prominent Republicans and many conservatives favor the delivery of the steamer, and advise a cessation of opposition. The message of President Grant to Congress is anxiously looked for.

TERMS OF THE PROTOCOL TO BE CARRIED INTO EFFECT—PROSPECT OF PEACE BRIGHTENING.

WASHINGTON, December 7.—The protocol signed by Admiral Polo and Secretary Fish on the 29th of November was with the full approbation of the Spanish Government, after mature consideration of all its consequences, and since that time it has expressed no inclination whatever for a change of its terms. The excitement in the Island of Cuba and the alleged threats concerning the Virginius gave a reasonable foundation for fear on the part of many persons that the vessel and surviving passengers and crew would not be promptly delivered to the United States authorities according to the terms of agreement, but such apprehensions have been shared by the Executive branch of our Government, for it can be positively stated that there is nothing to diminish its confidence in the sincerity of purpose of the Spanish government, or the ability to execute its engagements. The delay of the transactions has been unavoidable, and only recently an arrangement for the consummation of the terms has been completed. When her majesty's minister and suite arrive here as to the programme, it can now be asserted that the Virginius will be delivered to one of our naval officers within the next ten days, at a Cuban port, in open day, and that the surviving passengers and crew will be transferred to a United States ship at Santiago de Cuba in an equally open manner. The vessels to perform these services will soon be, if they have not already been, designated by the Secretary of the Navy. This is the present situation of affairs to-night, which has served to inspire a hope of continued peace with Spain in order that the United States may continue to give their moral support to the Spanish government in its efforts to establish a Republic.

Admiral Polo has lately received a communication from Captain General Jovellar, in which there is no reference to the subject of his alleged resignation.

OF THE RUMORED CUBAN EXPEDITION.

NEW YORK, December 6.—The rumor that the schooner Albert W. Smith, which cleared from Elizabethport for Key West, with coal, is a Cuban privateer, is not credited by the naval officers, who state the Navy Department had recently purchased 7,000 tons of coal for the use of the Spanish fleet there and chartered the A. W. Smith was probably one of a large number of transports employed to carry it down there. That the vessel should carry a full cargo of merchandise is not at all strange, but the object of the vessel is strictly legitimate.

The Cuban Junta say they have no knowledge of any expedition being fitted out under Captain Bowen or any other person.

BY CABLE FROM MADRID—REPORTED RESIGNATION OF MINISTER SICKLES—WAR-LIKE FEELING OF THE PEOPLE.

HAVANA, December 6.

PARIS, December 6.—A cipher dispatch from Madrid says that the Cuban question is again grave. Minister Sickles to-day tendered his resignation as Minister, in consequence of a disagreement on the Spanish complications. This disagreement has existed for some time. It is understood that the recent instructions Secretary Fish acted directly with President Castelar, ignoring Sickles and disapproving of his imperative tone.

The Madrid journals say they have had frequent disagreements before, and that there was almost a rupture on the occasion of the correspondence attending the remand of Bidwell from Havana and the Howard case. Fish and Fish ignored Sickles and dealt directly with the Spanish Minister. It is generally said in diplomatic circles, that the good offices of the British Minister had accomplished the settlement, but now as Fish proposes further concessions Sickles resigns. The Cuban authorities have ordered the Virginius prisoners, with some Spanish or Porto Rico port, at the discretion of Soler, the Colonial Minister, there to await arbitration.

The Imparcial in Castelar is culminating in a cabinet crisis. The whole Spanish press indignantly protest against the tone of President Grant's message, as an impertinent interference in Cuban affairs, really none of his business. The cause of the cabinet crisis is the charge that Castelar ponders to America. The situation here springs from the astonishing ignorance, haughtiness and folly of the people. The feeling is intensely war-like.

MEMBERS OF CONGRESS CONSULT WITH SECRETARY BOUTWELL.

WASHINGTON, D. C., December 6.—A hundred members of Congress called on the Secretary of the Navy to-day. The reception continued from half past ten to four. The conversation was chiefly on the subject of supplying deficiencies in appropriations, and urging the navy in a condition for all possible contingencies. Bills will be introduced for this purpose next week, and also looking to the fortifying of Ogdensburg and Plattsburg, having already speeches prepared on the latter subject. The members generally are in accord with the Secretary of the Navy. No official information has been received from Cuba confirming the reported resignation of the Captain General.

THE KANSAS ARRIVES AT BERMUDA.

WASHINGTON, D. C., December 8.—A dispatch received at the Navy Department from Commodore Allen C. Reed, United States steamer Kansas, dated Bermuda Island, November 24, announces the arrival of the vessel there on that morning of November 23. She encountered a heavy sea and violent squalls when about one hundred and fifty miles to southward and eastward of Cape Hatteras, and was forced, as a matter of safety, to keep away.

THE KANSAS ARRIVES AT SANTIAGO—NO DEMAND YET MADE FOR THE PRISONERS.

SANTIAGO DE CUBA, December 8.—The United States steamer Kansas arrived here yesterday, after a hard passage. She was driven out of her course and finally compelled to enter Bermuda for coal. The commanders of the Kansas and Juniata have not yet made a formal demand for the delivery of the Virginius prisoners. The latter were removed from jail to Morra fort this morning. The French war steamer Kersiante and the British sloop of war Niobe are in the harbor.

HAVANA ADVICES—CAPTAIN GENERAL REMAINS AND IS CONFIDENT OF PEACE—THE PRISONERS TAKE AN EXCURSION.

HAVANA, December 7.—Captain General Jovellar authorizes the statement that the entire island is tranquil. He has no doubt that all will be arranged peaceably and satisfactorily without the slightest difficulty. He now declares that he does not intend to leave Havana or transfer his post into the hands of General Burriel. The feeling of the people in Havana is quieter, and no disturbance is apprehended. The disposition to comply with the mandates of the home government, and the obligations of treaty with the United States without further discussion, is becoming general.

The General commanding at Santiago de Cuba, in the absence of General Burriel, acting without orders, placed ninety-two of the Virginius prisoners aboard the Spanish man-of-war Bazan and sent them to the Cienfuegos. The few remaining prisoners were either to ill to be removed, or being youths of tender age have been set at liberty. The prisoners while at Santiago, were well treated by the authorities, and in no way molested by the populace. When the Bazan reached Cienfuegos her commander announced by telegraph to Havana his arrival with the prisoners. The Captain General answered by ordering the immediate return of the Bazan and prisoners to Santiago, where they must have arrived by this time.

GENERAL FORREST VOLUNTEERS—HIS LETTER AND GENERAL SHERMAN'S REPLY.

MEMPHIS, December 8.—The *Appeal* will publish to-morrow the following correspondence:

MEMPHIS, TENN., November 20, 1873.

To General W. T. Sherman, Commander-in-Chief United States Army, Washington, D. C.

DEAR GENERAL—By telegrams from Washington and other sources, it appears that we are likely to become involved in a war with Spain. If so, I presume the seat of war will be in Cuba. In case we should become involved and the Government should require assistance, I hereby tender to you my services as a volunteer. I think I could enlist from one to five thousand men who served in the Southern army during the late war, at short notice, and who could rendezvous at New Orleans, Mobile, Pensacola and Key West either as cavalry or infantry. Yours, very respectfully,

"N. B. FORREST."

GENERAL SHERMAN'S REPLY.

"Headquarters Army of the United States, } "Washington, D. C., November 28, 1873. }

"*To N. B. Forrest, Memphis:*

"SIR—Yours of the 24th is received, and I have sent it to the War Department with this indorsement: 'Respectfully referred to the Secretary of War for file. Among the hundreds of offers that come to me, I deem this worthy a place among the archives, to wait coming events. I regard N. B. Forrest as one of the most extraordinary men developed by our civil war, and were it left to me, in the event of a war requiring cavalry, I would unhesitatingly accept his services and give him a prominent place. I believe now he would fight against our national enimies as vehemently as he did against us, and that is saying enough.

(Signed) "'W. T. SHERMAN, General.'

"I don't believe there will be war, for neither government wants war. Again, in the event of war with Spain, on account of Cuba, the Virginius to Spain, and there turn her over to an American man-of-war, is received with favor by the Spaniards. Battalions of volunteers are forming.

United States naval officers at Santiago de Cuba report officially that the number of men captured on the Virginius, was one hundred and fifty-five, and of these fifty-three were executed. Of the one hundred and two now living, fourteen are native or naturalized Americans. The remainder are of various nationalities.

HAVANA, December 6.—The feeling in this city continues to improve. The opposition to the delivery of the Virginius is decreasing. Prominent Republicans and many conservatives favor the delivery of the steamer, and advise a cessation of opposition. The message of President Grant to Congress is anxiously looked for.

TERMS OF THE PROTOCOL TO BE CARRIED INTO EFFECT—PROSPECT OF PEACE BRIGHTENING.

WASHINGTON, December 7.—The protocol signed by Admiral Polo and Secretary Fish on the 29th of November was with the full approbation of the Spanish Government, after mature consideration of all its consequences, and since that time it has expressed no inclination whatever for a change of its terms. The excitement in the Island of Cuba and the alleged threats concerning the Virginius gave a reasonable foundation for fear on the part of many persons that the vessel and surviving passengers and crew would not be promptly delivered to the United States authorities according to the terms of agreement, but such apprehensions have been shared by the Executive branch of our Government, for it can be positively stated that there is nothing to diminish its confidence in the sincerity of purpose of the Spanish government, or the ability to execute its engagements. The delay of the transactions has been unavoidable, and only recently an arrangement for the consummation of the terms has been completed. When her majesty's minister and suite arrive here as to the programme, it can now be asserted that the Virginius will be delivered to one of our naval officers within the next ten days, at a Cuban port, in open day, and that the surviving passengers and crew will be transferred to a United States ship at Santiago de Cuba in an equally open manner. The vessels to perform these services will soon be, if they have not already been, designated by the Secretary of the Navy. This is the present situation of affairs to-night, which has served to inspire a hope of continued peace with Spain in order that the United States may continue to give their moral support to the Spanish government in its efforts to establish a Republic.

Admiral Polo has lately received a communication from Captain General Jovellar, in which there is no reference to the subject of his alleged resignation.

OF THE RUMORED CUBAN EXPEDITION.

NEW YORK, December 6.—The rumor that the schooner Albert W. Smith, which cleared from Elizabethport for Key West, with coal, is a Cuban privateer, is not credited by the naval officers, who state the Navy Department had recently purchased 7,000 tons of coal for the use of the Spanish fleet there and chartered the A. W. Smith was probably one of a large number of transports employed to carry it down there. That the vessel should carry a full cargo of merchandise is not at all strange, but the object of the vessel is strictly legitimate.

The Cuban Junta say they have no knowledge of any expedition being fitted out under Captain Bowen or any other person.

BY CABLE FROM MADRID—REPORTED RESIGNATION OF MINISTER SICKLES—WAR-LIKE FEELING OF THE PEOPLE.

HAVANA, December 6.

PARIS, December 6.—A cipher dispatch from Madrid says that the Cuban question is again grave. Minister Sickles to-day tendered his resignation as Minister, in consequence of a disagreement on the Spanish complications. This disagreement has existed for some time. It is understood that the recent instructions Secretary Fish acted directly with President Castelar, ignoring Sickles and disapproving of his imperative tone.

The Madrid journals say they have had frequent disagreements before, and that there was almost a rupture on the occasion of the correspondence attending the remand of Bidwell from Havana and the Howard case. Fish and Fish ignored Sickles and dealt directly with the Spanish Minister. It is generally said in diplomatic circles, that the good offices of the British Minister had accomplished the settlement, but now as Fish proposes further concessions Sickles resigns. The Cuban authorities have ordered the Virginius prisoners, with some Spanish or Porto Rico port, at the discretion of Soler, the Colonial Minister, there to await arbitration.

The Imparcial in Castelar is culminating in a cabinet crisis. The whole Spanish press indignantly protest against the tone of President Grant's message, as an impertinent interference in Cuban affairs, really none of his business. The cause of the cabinet crisis is the charge that Castelar ponders to America. The situation here springs from the astonishing ignorance, haughtiness and folly of the people. The feeling is intensely war-like.

MEMBERS OF CONGRESS CONSULT WITH SECRETARY BOUTWELL.

WASHINGTON, D. C., December 6.—A hundred members of Congress called on the Secretary of the Navy to-day. The reception continued from half past ten to four. The conversation was chiefly on the subject of supplying deficiencies in appropriations, and urging the navy in a condition for all possible contingencies. Bills will be introduced for this purpose next week, and also looking to the fortifying of Ogdensburg and Plattsburg, having already speeches prepared on the latter subject. The members generally are in accord with the Secretary of the Navy. No official information has been received from Cuba confirming the reported resignation of the Captain General.

THE KANSAS ARRIVES AT BERMUDA.

WASHINGTON, D. C., December 8.—A dispatch received at the Navy Department from Commodore Allen C. Reed, United States steamer Kansas, dated Bermuda Island, November 24, announces the arrival of the vessel there on that morning of November 23. She encountered a heavy sea and violent squalls when about one hundred and fifty miles to southward and eastward of Cape Hatteras, and was forced, as a matter of safety, to keep away.

THE KANSAS ARRIVES AT SANTIAGO—NO DEMAND YET MADE FOR THE PRISONERS.

SANTIAGO DE CUBA, December 8.—The United States steamer Kansas arrived here yesterday, after a hard passage. She was driven out of her course and finally compelled to enter Bermuda for coal. The commanders of the Kansas and Juniata have not yet made a formal demand for the delivery of the Virginius prisoners. The latter were removed from jail to Morra fort this morning. The French war steamer Kersiante and the British sloop of war Niobe are in the harbor.

HAVANA ADVICES—CAPTAIN GENERAL REMAINS AND IS CONFIDENT OF PEACE—THE PRISONERS TAKE AN EXCURSION.

HAVANA, December 7.—Captain General Jovellar authorizes the statement that the entire island is tranquil. He has no doubt that all will be arranged peaceably and satisfactorily without the slightest difficulty. He now declares that he does not intend to leave Havana or transfer his post into the hands of General Burriel. The feeling of the people in Havana is quieter, and no disturbance is apprehended. The disposition to comply with the mandates of the home government, and the obligations of treaty with the United States without further discussion, is becoming general.

The General commanding at Santiago de Cuba, in the absence of General Burriel, acting without orders, placed ninety-two of the Virginius prisoners aboard the Spanish man-of-war Bazan and sent them to the Cienfuegos. The few remaining prisoners were either to ill to be removed, or being youths of tender age have been set at liberty. The prisoners while at Santiago, were well treated by the authorities, and in no way molested by the populace. When the Bazan reached Cienfuegos her commander announced by telegraph to Havana his arrival with the prisoners. The Captain General answered by ordering the immediate return of the Bazan and prisoners to Santiago, where they must have arrived by this time.

GENERAL FORREST VOLUNTEERS—HIS LETTER AND GENERAL SHERMAN'S REPLY.

MEMPHIS, December 8.—The *Appeal* will publish to-morrow the following correspondence:

MEMPHIS, TENN., November 20, 1873.

To General W. T. Sherman, Commander-in-Chief United States Army, Washington, D. C.

DEAR GENERAL—By telegrams from Washington and other sources, it appears that we are likely to become involved in a war with Spain. If so, I presume the seat of war will be in Cuba. In case we should become involved and the Government should require assistance, I hereby tender to you my services as a volunteer. I think I could enlist from one to five thousand men who served in the Southern army during the late war, at short notice, and who could rendezvous at New Orleans, Mobile, Pensacola and Key West either as cavalry or infantry. Yours, very respectfully,

"N. B. FORREST."

GENERAL SHERMAN'S REPLY.

"Headquarters Army of the United States, } "Washington, D. C., November 28, 1873. }

"*To N. B. Forrest, Memphis:*

"SIR—Yours of the 24th is received, and I have sent it to the War Department with this indorsement: 'Respectfully referred to the Secretary of War for file. Among the hundreds of offers that come to me, I deem this worthy a place among the archives, to wait coming events. I regard N. B. Forrest as one of the most extraordinary men developed by our civil war, and were it left to me, in the event of a war requiring cavalry, I would unhesitatingly accept his services and give him a prominent place. I believe now he would fight against our national enimies as vehemently as he did against us, and that is saying enough.

(Signed) "'W. T. SHERMAN, General.'

"I don't believe there will be war, for neither government wants war. Again, in the event of war with Spain, on account of Cuba, the bulk of the fighting would be afloat, for whoever commands the sea can have Cuba. We may not now have sufficient heavy iron-clad ships, but then some could be had, and we have an abundance of good naval officers and seamen, when the result would be certain, leaving for the land forces the small task of occupation. No part of this will likely be confided to me, and therefore I have sent your letter to the War Department, which can only act after Congress declares war and provides them meas for its prosecution.

"W. T. SHERMAN."

XLIII. CONGRESS.

FIRST SESSION.

SENATE.

WASHINGTON, December 4, 1873.

The following bills were introduced and laid on the table, to be referred to committees hereafter:

By Mr. BOREMAN, to complete the water high

Weekly Commercial.

SATURDAY, DECEMBER 13, 1873.

THIS eager scrambling for a dead man's shoes before the kindly earth has covered his remains, is not seemly. The position of United States District Judge in Virginia, made vacant by the death of Judge UNDERWOOD, is already a subject of speculation and rivalry among the Virginia politicians.

THE Philadelphia *Age* prints in its editorial columns a purported conversation between two citizens relative to the new Constitution, the gist of which is that both of them were going to vote for it *because neither of them knew anything about it*. That's about the case with most of its supporters, we reckon.

AT THE annual meeting of the Union League of Philadelphia, held on Monday night last, attended by over five hundred of the most prominent men in Philadelphia, a resolution to indorse the new Constitution was almost unanimously voted down. It did not obtain over half a dozen votes. This is a clear indication of the public sentiment of that city. The men who think, there and elsewhere, are almost to a man against the abortion.

The New York *Bulletin* publishes a statement of the earnings of sixteen of the leading Western railways for the month of November. The total is $9,001,870, against $9,772,140 for the corresponding season last year, showing a a decrease of $229,510. The same roads, for the eleven months ending 30th ult., returned their gross earnings at $88,921,707, against $87,972,035 for the corresponding period in 1872, showing an increase for 1873 of $949,672. Four roads showed an increase in November: The Missouri, Kansas and Texas, Milwaukee and St. Paul, Central Pacific and Burlington, Cedar Rapids and Minnesota. On the whole, this is not an unfavorable exhibit.

THE women of Missouri are gradually following in the footsteps of their sisters in other States, and are endeavoring to obtain grants similar to those allowed where the sex has obtained greater power. The point of attack is the hardened breasts of the next Democratic Legislature. Rather curiously, that body, without being asked to admit women to the ballot, is petitioned to allow them to be elected to office. But the offices in view are only connected with the public schools, and the Democratic statesmen need not tremble. In Illinois and several of the New England States women have served on the School Boards, and in numerous instances have made very efficient district superintendents. It is proposed to make them eligible to School Boards and to the office of County Superintendent in Missouri. The movement has already made considerable progress.

IT IS stated that the great English Conservative leader, DISRAELI, has expressed his intention to visit the United States next year, probably in the spring, making a general tour of the country. His romantic career, his literary successes, his oracular air, will be likely to make him an object of considerable interest, even to those who least believe in him. He professes a great regard for England's "trans-Atlantic cousins," but his affections didn't take a very active turn during our civil war. It was Mr. BARING—recently deceased—who kept him straight upon the question of the recognition of the independence of the Confederacy. It is true that he believed the Government would succeed in quelling the rebellion, and he allowed it to be known that such was his opinion, but he did nothing to restrain the hot impetuosity of his followers, who seemed determined to force on his country to a wicked intervention. He will be quite a change from BRADLAUGH.

FINANCIAL and business affairs are looking up bravely in Philadelphia. The bank statement of averages for the last week, as reported in the papers of that city, is in every respect a highly favorable one, and shows that these institutions have gained strength in all important items. For instance, there is an augmentation of deposits to the amount of $575,063. In the line of reserves there is an aggregate gain of $486,391, of which sum $347,636 is in legal tenders and $139,355 in national notes. Liabilities to banks have been cut down $561,534, while the dues from banks show a decrease of $320,204. A much heavier business was also transacted at bank, the clearings being $9,295,801 in excess of the preceding week, and the balances $1,147,748.

The proportion of gold and legal tenders to deposits and circulation in the aggregate is nearly thirty-five per cent., "a better showing," says the *Ledger*, "than we ever remember to have seen before from the Philadelphia banks."

A NEW illustration of the difficulty of obtaining correct historical data is furnished by the engineer's report of the great Hoosac tunnel enterprise. It is therein stated that in 1826 Dr. PHELPS, of Massachusetts, presented the first proposition ever made for a railroad before any legislative body in the United States. This is a mistake. In 1811, Col. JOHN STEVENS, of Hoboken, N. J., presented a memorial to the Legislature to authorize a railroad in New Jersey, and, in February, 1815, a law was passed incorporating "The New Jersey Railroad Company," authorizing a road from Trenton to New Brunswick. The road was never built, however, and in 1825 Stevens built a short railroad at Hoboken as an experiment. Locomotive steam engines had not been perfected, and the best engineers did not suppose there would be sufficient traction in plain wheels to draw a heavy weight. The railway put up by Col. STEVENS was provided with a middle rail having teeth for a driving-rack.

JUDGE UNDERWOOD, United States District Judge for Virginia, was stolen death from apoplexy on Sunday night was announced in yesterday's COMMERCIAL, was one of the Administration who, and for his devotion to anti-slavery principles and support in 1860 was at that time driven from Virginia, to which State he emigrated from his birthplace, Herkimer county, New York, some twenty-five or thirty years ago. Taking up his abode in Washington, Mr. CHASE secured his appointment, in 1861, to the position of Fifth Auditor of the Treasury, and in 1864 he was nominated by President LINCOLN United States District Judge for the District of Virginia, which office he continued to hold until his death. He was elected United States Senator by the Alexandria Legislature, in 1865, to succeed Senator CARLILE, but was not admitted to his seat, in consequence of the reconstruction measures debarring Virginia from representation in Congress, and he subsequently was a delegate to the State Constitutional Convention, and presided over the body which framed the present Constitution of Virginia. He was a warm and devoted friend of emancipation, and perhaps did more for the enfranchisement of the colored race in Virginia than any member of his party in the State.

PROSPECT OF PEACE.

Every American citizen who is at once well informed and patriotic must regard with great satisfaction the existing prospect of a peaceful settlement of our difficulty with Spain. Such satisfaction is not the product either of the feeble sensibility which shrinks with a shudder from the mere physical consequences of war, nor of the timidity which weighs with excessive scrupulosity the uncertain and manifold chances of any international conflict. The predominant elements of the American population, English, German, etc., are not much liable to error in either of these directions. In fact, their natural tendencies are clearly the other way, and the satisfaction of which we speak results from considerations which counteract their force. One of these considerations relates to the burden of responsibility and trouble which the war would certainly place upon the national shoulders, in the acquisition of the island which had given rise to the struggle. The American people do not at present want Cuba. While not doubting that its final absorption in the territory of the great Republic is inevitable, they believe that neither the Cubans nor the Americans are yet prepared for the union. They believe that the expenditure of blood and treasure for the purpose of hastening an event undesirable now but certain to be desirable in the future, would be not only a criminal waste of national resources and a foolish increase of national incumbrances, but bad policy in other respects. Having driven out the Spaniards we must either annex the island, or place it in the hands of those insurgents who call themselves Cuba Libre. As to the former alternative, nobody who has studied the subject believes that the money, ignorant, superstitious and turbulent population of the island could be invested with American citizenship without most injurious, if not disastrous consequences; and as to the latter alternative, it is equally certain that Cuba left to herself would be to us a more troublesome neighbor than Spanish Cuba has ever been. The assertion will be questioned by no one familiar with South American history, and in Cuba there are sinister conditions wanting in the South American Republics. It is as certain as anything future can be that, in Cuba Libre, with its deeply divided and mutually antagonistic classes and races, the old feuds would be continued, in all those characteristic features which, during the last few years, have so often horrified the civilized world. Slavery would of course be abolished, but this prospective result cannot be justly put forward as a reason for war. The slaves amount in all to only three hundred and seventy thousand, or less than one-fourth of the entire population, and their freedom within the next few years may safely be regarded as assured, whatever may be the outcome of the struggle going on in Spain.

Another consideration which renders the thought of war with Spain at present repulsive to the best portion of the American people regards the misconstruction to which it would or might expose them. Probably few even of our most fair-minded European friends would fail to scrutinize our conduct with the eye of suspicion and mistrust. Recalling our popular cries in the past and the well-known avowals of American statesmen in the evil days when slavery ruled in Washington, they would surely seek for evidence of a revival of that chronic land-hunger, that feverish longing for territorial expansion which used to rage in Yankee veins. Nothing but manifest wrong on the side of Spain and manifest right on our side, in connection with zealous and patient efforts on the part of the Washington government to bring the quarrel to a peaceful issue would satisfy the onlooking world of the purity and dignity of our motives in declaring war against the power which owns Cuba, especially at the present time when that power, relatively feeble at best, is harried and rendered almost helpless by internal enemies.

This, however, is only one form of the misconstruction to which war in the present premises would subject the American government. In their relations to European powers, the American people, true to their best traditions, have repeatedly declared and exemplified a pacific policy as the policy most perfectly in harmony with the genius of their institutions as well as with their own spirit. And so recently as to be still in full memory of all the world, their prolonged and bitter quarrel with Great Britain held up their patience and persistance under wrongs and in pursuit of their rights, in a manner which challenged universal attention to the method, and finally, by the triumphant conclusion, justified confidence in, if not its efficacy. In the case of a less irritating and less embarrassing difficulty with a weaker power and a power which besides, if not a sister republic, is at least trying to become one,—in such a contingency occurring so soon after the other, to discard the method of quiet and dignified appeal to reason and right for the old fashioned and semi-barbarous method of an instantaneous appeal to the sword, would be in us downright self-stultification, and such self-stultification as would especially gratify the adherents of the ancient political systems which we fancy that we have overthrown. Let us not forget the more excellent way.

In these remarks we intend no criticism of or fault-finding with President GRANT's Cabinet. We do not forget that in this Spanish difficulty there has been and is an element of disturbance which may well have justified or made necessary the abrupt and decided course which seems a departure from the recognized model of American policy. This disturbing element, or strange condition, is the character of the Cuban volunteers. Readers of MACAULAY's History of England will remember the great historian's sketch of the "English of the Pale" in Ireland, and what he says of the influence of their position in rendering them arrogant, stern, harsh and relentless, and hated by enemies and maintaining their lives and property against fearful odds, they men of English birth, felt no scruple in committing acts from which the ordinary Englishman would have shrunk in horror. MACAULAY compares them to slaveholders, slavery producing similar effects upon the characters of the masters. Now, the Cuban volunteers have in their veins the fiery and arrogant blood of Spaniards, and their natures have been corrupted not only by the influence of slavery but by the necessity of upholding their power against Creole insurgents. There is no reason to suppose that they would have listened to reason whether urged from Washington or Madrid. Mere remonstrances or rational representations would never have prevailed on them to atone for their wrong or submit to conditions imposed by President CASTELAR. Hence, probably, the course adopted by Mr. FISH, the firm attitude and the assurance of armed intervention in case of failure to comply with his reasonable demands, was the course most friendly to Spain as well as best adapted to prevent the outbreak of WAR.

RESPONSIBILITY—WHERE IT BEGINS AND ENDS.

A careful perusal of the testimony of the several members of the Water Commission before the Finance Committee, as to their responsibility for the use made by their Secretary of the public money entrusted to their care, has developed a very different idea of official responsibility to that we have been accustomed to entertain.

For instance, Mr. CARROLL testified that the Commission permitted its Secretary to make sales of bonds; that the Secretary "*most generally* (not always) reported all sales;" that "the *supposition* was" that the Secretary paid all money into the city treasury realized from the sale of bonds; that he (Mr. CARROLL) never examined the books to see the balance due to the city from such sales, but "had frequent talks with the Secretary about" it; that the Commission has not, in all this year, made the quarterly reports required of it by law; that the Secretary made "statements" to the Commission, which statements were afterwards destroyed; in June and August; and that the Commission could easily have ascertained the true state of the Secretary's account by examining the Controller's book, *but that no such examination was made.*

Now, it's very plain from the testimony that here was a Commission to whom was confided a high trust, which neglected to perform its legal duties, and took no pains to see that its Secretary was doing his duty. It absolutely neglected to require the quarterly statements required of it by law; and while it could, at any time, have easily verified the cash account of its Secretary, it never did so. We have a very high personal regard for Mr. CARROLL; but will he say that he considers that this admitted course of his was a faithful discharge of his duty to the city in the premises?

Again: let us quote from Mr. BURGWIN's testimony:

Q. Did you make quarterly reports?

A. Cannot say. *Could not give that branch of the business attention.* Never saw a bond receipt signed, and could not identify one myself. Never saw a check. May 4th, 1872, firm began selling bonds; checks from proceeds of sales were sent to our President; Townsend, Wheeler & Co. had enough faith in the city and the Commission to send the money for bonds before their delivery; did not know until Monday week of bonds sold in Pittsburgh.

Q. In other words, you did not consider yourself bound to see to details?

A. Yes, sir.

He "could not give that branch of the business attention." Then, why was he *in* the business, at all? He "did not consider himself bound to see to details;" yet that was precisely what he was appointed for. He was on no occasion on him to serve on the Water Commission. He sought the place and then neglected its duties. He "*could not* give that branch of the business attention;" he was too busy attending to something else. He did not consider it his business to attend to details. Then, why was he there? Judge GRIER once said to an attorney who asked a postponement of a case, because he had to try another case that day in another Court, that if attorneys had so much business that they could not attend to it, they had better advise their clients to employ other counsel. In like manner, if Mr. BURGWIN *could not* discharge the plain duties of the Commission, he had, and he has, no business on it. He ought to retire from it, and let some one else in who *can* give that branch of the business attention, and see particularly to details. Again:

Q. Could you ascertain the exact condition of the Commission financially without reports from the Controller and Secretary?

A. A member of the Commission *never considered I had anything to do with keeping finances.* Depended on the Secretary and believed him to be honest, reliable and competent.

Q. Did the Commission even require statements from the Secretary?

A. Do not know, never did myself; I believe it to be the duty of the Controller to keep the accounts; never knew anything about the receipts.

Q. Was it not your duty to know?

A. That's for others to say, I think I did say my duty. Never handled money, and insisted no checks.

Now the records of Councils show that Mr. BURGWIN advocated the passage of the ordinance in Councils, which gave to the Water Commission the entire control of the business of negotiating the sale of the water bonds. He was instrumental in taking that power out of the hands of the Finance Committee, where it properly belonged, (and whose members *do* consider that they have something to do with keeping finances,) and placing it in the hands of his own Commission; and yet, after seeking and obtaining the power to negotiate the sale of millions of bonds, he has the cool assurance to stand and tell the Finance Committee that he "never considered he had anything to do with keeping finances!" Why, then, did he seek to clothe the Commission with this extraordinary power, if he did not intend to have anything to do with the exercise of it? He, in common with the rest of the Commission, was entrusted with that power, solely that he and they might look after the financial interests entrusted to them, and he cannot, now, shake off his responsibility by saying that he never considered he had anything to do with it. If it had been his own business, instead of that of the city, he would not have considered that he had nothing to do with it; and why should he be less careful of the city's interests than of his own?

We are free to say that, in our view, responsibilities cannot be so easily thrown off as Mr. BURGWIN would seem to suppose. It was his duty as well as that of his colleagues, to see to the proper negotiation of the bonds given into their care; to require frequent statements from their secretary, and to verify them; and to make the reports regularly, which the law required of them. Had these duties been properly performed, the city would not have been involved in this trouble; and if the dear lesson we are now learning in the school of experience teaches nothing else, we trust that it has already conveyed to the minds of Councilmen a higher and clearer sense of personal responsibility than seems to have entered into the conceptions of the Water Commission.

We say this much more in sorrow than in anger. We have before expressed our convictions that the members of the Commission are, individually, men above suspicion—pure men, and men of the highest integrity. We repeat this conviction, now. We have not the slightest idea that any one of them ever intended the slightest wrong to the city. But purity of intention is not a sufficient cover for neglect of duty. We concede their personal honesty and integrity; but we cannot fail to mourn, in common with the people of the city generally, that they did not combine with those qualities that high consciousness of individual responsibility which, properly exercised, would have saved them and the city from a world of trouble and reproach.

THE NEW CONSTITUTION.

The last week has developed a very deep and widespread opposition to the new Constitution throughout the State. Judge READ's admirable letter, showing how it deprives the voter of the protection of secresy for his ballot, has aroused a genuine fear among all who prize *that* as among their highest rights.

EVERY MAN WHO VALUES HIS INDEPENDENCE

as a voter will therefore vote against it, because, if it is adopted, any one who chooses can pry out and discover how he voted. Those who are in the employ of others, especially, are thereby placed at the mercy o their employers. Every man who votes for the new Constitution *votes to put a mark on his own ballot* by which it can be easily detected and known.

EVERY COLORED MAN

should vote against it because the Convention deliberately refused to put in a clause securing their equality of rights as citizens.

EVERY OWNER OF REAL ESTATE

should vote against it because it virtually restores the State tax on Real Estate.

EVERY OWNER OF STOCK IN PRIVATE CORPORATIONS

should vote against it because it puts all private corporations at the mercy of a minority of their stockholders.

EVERY LOVER OF PHILANTHROPY

should vote against it because it prohibits the State from giving aid to philanthropic institutions. And finally

EVERY LOVER OF ORDER

should vote against it because it is full of glaring faults and absurdities, which must work disorder and misrule, upset all precedents and previous practice, and which must reduce every thing to chaos as a preliminary to whatever order may thereafter be evoked. The State has prospered gloriously under the present Constitution. Therefore, "let well enough alone."

THE CURRENCY QUESTION.

The tone of both the President's Message and the report of the Secretary of the Treasury, is plainly against inflation. The latter would, however, allow the banks to use their reserves in emergencies, and the President distinctly recognizes the necessity of a currency that shall conform itself naturally to the varying needs of the business of the country. This, he suggests, shall be obtained by permitting the banks to issue notes on the pledge of public securities, with a check on over-issue in the shape of withdrawal of a portion of interest on the securities. If Executive recommendations, therefore, are to go for anything, there will be little probability of expansion in the currency. The measures suggested by the President and Secretary would, however, afford relief when relief is most needed, [and that much may therefore be reasonably looked for.

A CORRESPONDENT of the Philadelphia *Telegraph* points out how the provisions against bribery may be evaded in the Legislature under the new Constitution, without remedy. It is by electing lawyers to the Legislature. Then those who wish any particular legislation can retain them as their attorneys. As such, they can vote for bills, work for them, and speak for them, and if investigations follow, they can fall back on their oaths as attorneys. They have simply been acting for their clients. He says:

"The leading members in our State Legislature are to-day the paid attorneys of some corporation or other, when their only business as attorney is to attend to Harrisburg legislation.

"If you will examine the debates of party out the State on the new Constitution, you will find these men the most loud-mouthed on the merits of the new Constitution. And those bodies of laws contain *the most corrupt* prate the *most about its merits*. Why is this? Simply this: there is nothing in the new Constitution to prevent me from employing *either of our Senators* or *Congressmen*, or the attorney of *my corporation*, from now to the end of their terms. I shall be entitled to their continual service, as corporation lawyers are to-day employed by the first issue until themselves to me for a *fee*, they are merely acting as my attorney at law, and cannot be questioned. But suppose I choose to employ some gentleman not following the law, but equally well adapted for tricks that are vain; why, I am guilty of corruption, and the Constitution compels him to give evidence even against himself."

STATE NEWS.

Dr. Frederick W. Lewis and Mr. William V. Long, who had been connected with the editorial department of the Philadelphia *Public Record* newspaper, fought a duel on Saturday, which was the result of a quarrel between their respective editorial staffs. Both gentlemen were severely injured, Mr. Long's wounds being considered so dangerous that his life was for a time despaired of. Dr. Lewis was shot in the left leg, the ball shattering the bone above the knee. Mr. Long was shot in the right side, the ball passing through the body. Both gentlemen are now considered out of danger.

The Philadelphia *Press* offered a prize of a half-chest of tea for the best essay on tea-parties, to be written by a boy or girl under fifteen years of age, and it was won by W. G. O. Keys, a Lebanon boy of thirteen years.

The inmates of the Chester county almshouse now number between three and four hundred—more than have been accommodated at one time at that institution for quite a number of years. This is attributable to the many persons out of employment.

Twenty-one aged persons died in Philadelphia last week, viz.: Eliza Fernier, aged 81; Eleanor Conny, 81; Sarah L. Slingluff, 81; Benjamin Muirhead, 81; Ann Scollon, 82; Mary McCann, 82; Sarah Davenport, 85; Dr. Lewis P. Gebhart, 85; Mary Moore, 83; John Turner, 83; Ann Sink, 85; Anna M. Bittle, 85; Mary Detwiler, 86; John Tennent, 86; Peter Thomson, 86; William Thomas, 87; Catharine Pilgram, 88; Catharine Pilgram, 88; Rebecca Harner, 90; John Kelleher, 90; and Mary A. Wilson, 98.

"To what base uses may we come at last." The only brown stone front building in Danville is used as a meat-shop.

A "hard times" ball is to be given at St. Petersburg, Clarion county, about the holidays. Gentlemen must wear patched clothing and unblacked boots, and ladies nothing finer than calico, while all jewelry will be shooed. The supper will consist of mush-and-milk and baked potatoes.

Edward M. Eberman, of Strasburg, Lancaster county, died suddenly on Monday morning, while sitting in his chair. Mr. E. was cashier of the First National bank, Strasburg.

It is rather hard to have nice facts disturbed by subsequent explanations. In Reading, a few days ago, a man's life was saved by the ball from a pistol accidentally discharged entering a silver watch which he carried in his pocket. Everybody said, "See how the religious are favored;" ...until it was discovered that this favored ... stolen the sacred volume and was devotee had ... in it for liquor.

A sad accident occ... one day last week, ship, Wyoming county, ... layne, was cleaning Wesley Jayne, son of David ... ar his breast, and in some manner the weapo... was discharged, lodging the contents in ... side. He died almost instantly.

Schuylkill county has more newspapers in proportion to its population than any county in the State.

Harry Howard, aged twenty-two years, committed suicide by drowning, at Eden, Lancaster county, on Sunday. He was delirious from fever at the time.

The regular physicians of Scranton had "Dr." McBride, otherwise the King of Pain (always spell it with big K and P), arrested the other day, for practicing in that city without license. They offered to withdraw the suit if the "Doctor" would have his hair cut, but this he refused to do, preferring to pay a fine and costs and leave the heathen of Scranton to their fate.

THE NEW CONSTITUTION.

The Interests of the State Sacrificed.

[From the Harrisburg Telegraph.]

This new Constitution sacrifices the interests of the State to conciliate some seven small counties, and seeks to vitalize the Democratic party by a most villainous gerrymander. The namby-pamby Republican members of that Convention left all figuring to Mr. Buckalew and two or three of his Democratic allies, and do not appear, even to this day, to comprehend their own turpitude. Now, however, as they say the Convention is to be recalled *"to wipe out the Supreme Court,"* and do a few other desperate things, it may not be amiss to demonstrate the above propositions from the census returns. Figures won't lie, and although the Democratic leaders may pull the wool over the eyes of a few members who pocketed, each, fifteen hundred dollars they were not entitled to, the mass of the voters can comprehend them. The Constitution, section 17, article 2d, says:

SEC. 17. The members of the House of Representatives shall be apportioned among the several counties, on a ratio obtained by dividing the population of the State as ascertained by the most recent United States census by two hundred. Every county containing less than five rations shall have one representative for every full ratio, and an additional representative when the surplus exceeds half a ratio; but each county shall have at least one representative. Every county containing five ratios or more shall have one representative for every full ratio. Every city containing a population equal to a ratio shall elect separately its proportion of the representatives allotted to the county in which it is located. Every city entitled to more than four representatives, and every county having over one hundred thousand inhabitants, shall be divided into districts of compact and contiguous territory, each district to elect its proportion of representatives according to its population, but no district shall elect more than four representatives.

In regard to small counties, taking the rule laid down in the Constitution, 17,610 is the Legislative ratio, these counties have the following population:

Cameron	4,275
Elk	5,488
Fulton	9,261
Forest	4,110
M'Kean	8,827
Pike	4,459
Sullivan	6,191
	42,561

These counties under the proposed Constitution will be entitled to seven members, whereas the aggregate population is some 8,000 less than would entitle them to three members; they have, therefore, four members beyond the proper legislative ratio; and of the seven which the Constitution gives them five are certainly Democratic and, probably, two doubtful. Then the prohibition to divide a county having less than 100,000 population is a clear application to Montgomery county, which unjustly apportioned would have three Republican and two Democratic members of the House.

Again, look at the following Democratic counties, for a package gerrymander:

County.	Members.	Pop.	Deficiency
Bucks	4	64,336	6,104
Carbon	2	28,144	7,076
Clarion	2	26,526	8,683
Columbia	2	25,776	6,451
Franklin	3	45,367	7,460
	13	193,109	33,782

Here, in five counties, we have a deficiency of 33,782, or thirteen members to be elected where only ought to be, each representing only 17,660 instead of 17,610.

Again, take the following six Republican counties:

County.	Members.	Pop.	Excess
Allegheny	6	121,945	13,285
Armstrong	2	43,382	8,162
Indiana	2	29,720	1,862
Delaware	2	39,404	4,188
Lancaster	5	101,107	13,051
Warren	1	23,507	6,282
	20	468,529	50,283

"Cities omitted.

Here we have in six Republican counties an excess of 50,282 Republicans not represented, and each member represents 20,462 instead of 17,610.

In other words, the Democrats gain two in their five counties and the Republicans lose three in their six counties. A balance sheet would stand thus:

Democratic gain in seven small counties	2
Democratic gain in Montgomery county	2
Democratic gain in Lancaster county	1
Democratic gain in six Republican counties	2
	7

The whole gain by Constitutional gerrymander..15

We have not had time to compare the apportionment with Judge Gordon's vote last October. We are, however, assured that if proportioned according to the vote cast then the Democrats would have eight majority in the present House of Representatives.

Here is the milk in the cocoanut which explains the zeal of Democratic papers and orators. Oh! shame! on the Republican traitors, each with fifteen hundred dollars in his pockets as the price of his treason to the cause of freedom and the Republican party.

The Election of Supreme Judges.

[From the York Republican.]

One of the most radical changes proposed to be introduced by the new Constitution pertains to the election of the Judges of the Supreme Court. It is to be found in Article V, Section 16; which provides that when any two Judges of the Supreme Court are to be elected for the same term, *each voter shall only vote for one*; and that only two shall be chosen, each voter shall vote for only two.

The purpose and effect of this provision is to defeat the will of the majority of the people, to give to the minority equal power with the majority, enabling them to elect one out of two persons and to defeat the election of any Judge of the Supreme Court; and to vest in PARTISAN, POLITICAL CONVENTIONS the powers properly belonging *to the people at large.*

One effect of this provision will be to accomplished by the Constitutional Convention was to elevate the Judiciary above all temptation to, and suspicion of acting from partisan motives, by removing them from all party considerations, and thus to secure and maintain the dignity, impartiality, and purity of the Judicial office.

The effect of this provision—which is entirely new in Pennsylvania, and has never been attempted anywhere else, and is utterly subversive of the principles that lie at the basis of free elections—will be to vest in the Judges of the Court of last resort the vericast tools to register the decrees of their party leaders.

Political conventions are notoriously governed by the merest partisan considerations. Their nominations are given as the reward of party fealty and service. But when a contest before the people is to follow the nomination, then party conventions are compelled to put forward their best men, to avoid the defeat that is sure to follow the nomination of an incapable or corrupt candidate. This very provision strikes down the only security the people have for the nomination of able, pure, impartial men for Judicial office. It says to party conventions, when two, three or more Judges are to be elected: "Nominate whom you please; select your lowest and most corrupt pot-house politician for the high position of Justice of the Supreme Court; select him *because he is a politician of that stamp, who will prostitute his high office to do your bidding and carry out your decree*; you can nominate him in the sure confidence of his triumphant election, BECAUSE AN UNBENDING CONSTITUTIONAL PROVISION DECREES THAT THE MINORITY CANDIDATE SHALL OCCUPY THE OFFICE, THOUGH A MAJORITY OF THE PEOPLE HAVE VOTED AGAINST HIM, THOUGH HE HOLDS IT IN DEFIANCE OF THE POPULAR WILL, WHICH HERETOFORE HAS BEEN REGARDED AS SACRED AND INVIOLATE."

The most absolute politician could not have devised a better system to reduce the Supreme Court to a mere political machine.

Lebanon County Distranchised in the Senate.

A correspondent of the Philadelphia *Telegraph* points out another of the beauties of the new Constitution, in the following:

In examining the new Constitution I find much that is good, but it is buried so deep in parsimony, suspicion and stupidity, that I feel it almost labor lost to attempt to criticise a part of it. But a county like Lebanon should be forever disfranchised in the Senate is a crime too great to be submitted to in silence.

An examination of your atlas will show you that Lebanon is bounded by Dauphin, Schuylkill, Lancaster and Berks.

The population of the several counties in 1870 was—Lebanon, 34,096; Dauphin, 60,759; Schuylkill, 116,428; Lancaster, 121,340; Berks, 106,759.

Article 2, sections 16 and 18, of the new Constitution is as follows:

Section 16. The State shall be divided into fifty Senatorial districts of compact and contiguous territory, as nearly equal in population as may be, and each district shall be entitled to elect one Senator; but no county containing one or more ratios of population shall be entitled to one Senator for a surplus of population exceeding three-fifths of a ratio; but it shall form a district entitled to elect a Senator unless it shall contain four-fifths of a ratio, except where the adjoining counties are each entitled to one or more Senators, when such county may be assigned a Senator on less than four-fifths, and exceeding one-half of a ratio, and no county shall be divided unless entitled to two or more Senators. No county shall be entitled to separate representation exceeding one-sixth of the whole number of Senators. No ward, borough, or township shall be divided in the formation of a district. The Senatorial ratio shall be ascertained by dividing the whole population of the State by the number fifty.

Sec. 18. The General Assembly at its first session after the adoption of this Constitution, and immediately after each United States decennial census, shall apportion the State into Senatorial and Representative districts accordibly to the provisions of the two next preceding sections.

Under these two sections the State will have to be divided into fifty Senatorial districts, and no county of a ratio, except where the adjoining counties are each entitled to one or more Senators, when such county *may* be assigned a Senator on less than four-fifths AND ... HALF A RATIO; and no county ... be divided," etc. Now, sir, as each of ... adjoining Lebanon is by this provision ... ...ingly entitled to one Senator, ... compelled to comply with the terms or go ... What are those ... ...sideration of being ... ...ough to make ... "many" (not ... ...viding ... By ... her population shall exceed *half a ratio*, ...ther county. ... ...ll be seen that a ... ...ratio is 35,218, whilst ... ...What are you going ... ...You can't alter it. It is a *geographical fact*, and no power short of a repeal of the clause can alter it. Oh, but say you, Lebanon now has a Senator; he will remain a couple of years, and she can wait until after 1880. Very consoling, but not likely to be realized.

You and I will be in our graves many years before Lebanon county can obtain Senatorial representation under this Constitution as I propose to show:

The increase of population for the State from 1860 to 1870 was 20½ per cent.

The increase of population for Lebanon county from 1860 to 1870 was 13½ per cent.

The increase of population for the State from 1850 to 1860 was 26½ per cent.

The increase of population for Lebanon county from 1850 to 1860 was 11 3-10 per cent.

The increase of the State for each decade was greater than Lebanon county, but not so far behind from 1860 to 1870 as the previous decade. If she does as well this decade as last, she will probably increase 13½ per cent.; and should the State fall back in her percentage of increase as much as she did from 1860 to 1870, the State increase will be 15½ per cent. So that the most Lebanon county can hope is, that when the apportionment is made which is to stand until 1890, she will stand thus:

Population of State, 1870	3,521,875
And 15½ per cent. increase—total	4,067,765
Ratio for a senatorial district	81,355
Half a ratio	40,677
Population of Lebanon county at same date	39,384
And at this rate Lebanon will have to increase faster than she has ever increased, and the State at a slower rate, which is not at all likely. Sir, this state of affairs is not accidental: it is meant that either Lebanon county shall be disfranchised or that this Constitution shall be *violated* by adding Lebanon to Lancaster, make two districts, with two Senators, when by this very act Lancaster is herself entitled to two, thereby losing one Republican and gaining for. Such I say is the intention. The "Aminidab Sleek" who led the Democrats in this convention always means business. A sympathizing ally of treason during the rebellion, an ardent Hessian in 1872, his political degradation would have been incomplete had he not incorporated some of his *cunning* in this State charter.

But what shall we say of the Republicans who join in this great outrage?

The Address of the Convention "Ring."

[From the Philadelphia Bulletin.]

The great victory won in the Supreme Court, last week, by Law over the Convention Ring, has naturally thrown that little body of usurpers into a condition of panic. Immediately after the decision was rendered, loud threats were uttered by some of the delegates as to what they "would show the Supreme Court!" and it was even seriously thought of course angry, by several to re-convene and declare the Constitution adopted, in spite of the Court. This, however, was seen to be a little dangerous, and the Convention Ring was hurried together again, on Saturday night, to discuss the situation.

The result was a determination to continue the attempt to force the Constitution through, accompanied by an address from Chief Justice Armstrong, chairman, J. W. M. Newlin and J. R. Read, secretaries. The committee feels terribly aggrieved at being made subject to law, but magnanimously recommends that what it cannot possibly avoid, a submission to the Supreme Court. The address is like all its predecessors, a jumble of scarcely plausible generalities, utterly failing to answer the powerful objections which are pouring in upon the ill-starred bantling of the Convention, or rather of the Buckalew Ring that governed the Convention.

There is one passage in this midnight address of the Convention Ring that deserves special remark. It says: "the active opposition to the proposed department Convention is mainly from those whose business is to trade in politics and to profit by corruption."

This is something more than a simple and willful falsehood. It is impudent, because it is true. The men who are leading the opposition to this Constitution do not trade in politics or profit by corruption. It is an outrage worthy of all reprobation to fasten a stigma like this upon men like the host of good honest, intelligent citizens who have the brains to comprehend and the independence to oppose the multiplied corruptions that are crowded upon the people in this Constitution.

But this point needs no amplification before the people, and we should add nothing more were it not for the fact that the Convention is involved in this falsehood, from the fact that at least one of the parties to this address holds his own seat in the Convention *by one of the most corrupt elections ever held in this city.* The clear proofs of this fact are in existence, and can readily be produced; and it is in exceedly bad taste for any one to talk about "trading politicians upon corruption," under such circumstances.

We can pardon the flurry of editors, commissioners and delegates whose sceptre has been so unceremoniously knocked out of their hands by the power of the Supreme Law. But we are bound to resent, as grossly and impudently false, the aspersion cast by those Republican politicians upon honorable and good citizens.

ANTIQUITY OF MAN.

Remarkable Discovery in Kansas.

It has of late been the belief of a large class of men of science that the existence of the human race on the earth dates much further back than was generally supposed. Sir Charles Lyell and Sir John Lubbock have claimed that the human race has been in a constant state of progression from Cromlem and brutish ancestry. Accounts were given of a human skeleton unearthed by the quarrymen in Neanderthal, in the province of Rhenish, Prussia. The professors pronounced it to be of great antiquity, and were of the opinion that the Neanderthal man bore a possessed in general the same qualities which characterise the bones of the modern man. In the deposits of gravel, sand and cemented in the same diluvial loam, lived together with the mammoth and other extinct animals of the drift period. Many have made elaborate measurement and calculation of brain power. Its capacity was found to be equal in the case of the average Polynesian and Hottentot, and while the opinions of geologists differed in regard to minor points, all admitted the antiquity of the race of man and bones. A discovery has late y been reported in Kansas which will be far more important than the above described. The Osage Mission (Kansas) *Journal* says that a human skull was recently found imbedded in the solid rock of a coal rock, which was broken open by blasting. Dr. J. C. Mercy, of Osage Mission, got possession of the precious skull as he had in his office, and found that it resembled the latter in its general shape, though it was an inch and a half larger. It is highly developed in front and much better developed in some other particulars. He says of the relic:

"It is the perfect counterpart of the human species, of large size, imbedded in conglomerate rock of the tertiary class, and found several feet beneath the surface. Parts of the frontal, parietal and occipital bones were carried away by the explosion. The piece of the forehead found is two inches and a half forty or fifty pounds, with many impressions of marine animals, and the petrified remains of fishes, and within the cranium is crystallized organic matter, and by the aid of a microscope, it presents a beautiful appearance.

If this be a fact, and it seems to bear the impress of truth, the discovery is neither less nor more than what Agassiz, Lyell, Dawson, Hitchcock, Miller, nor any of the rest of the subterranean explorers, report anything so strange. The Neander man could not have lived in the Drift period, for bones were found in loam only two or three feet beneath the surface. But what was found in the Kansas discovery be real it is worthy of a thorough scientific investigation.

THE Life-saving Service of the United States now comprises eighty-one stations on the coast of Cape Cod, Rhode Island, Long Island and New Jersey, organized into three districts. Thirty-two wrecks have occurred within these limits during the season, and 235 lives have been imperiled, but only one life lost. Of $882,230 worth of property imperiled, $851,201 worth was saved, while the cost of maintaining the service during the year ending June 30, 1873, exclusive of the expense of constructing and establishing new sections, was $87,891. Twenty-one new life-saving stations are to be established the coming season, five on the coast of Maine, five on the coast of Massachusetts, nine on the coasts of North Carolina, and one each on the coasts of New Hampshire and Virginia. While there are thousands of useless expenses which should be lopped off by Congress, such a humane movement as that to save the lives of seamen and sea travelers wrecked upon our coast, deserves ample encouragement, for no one can tell how soon a perilous coast to approach in winter time, and hence the obligation to lessen the perils by all proper means.

IRONTON, O.

Closing of Iron, Steel and Nail Works—Strike of Coal and Iron Workmen.

Special Dispatch to the Commercial.

IRONTON, O., December 9, 1873.

The rollers and heaters of the Lawrence Iron Works have struck against the reduction of wages proposed by the mill to five per cent. above Pittsburgh prices, and the mill, which has been running for a week on a special order, will shut down Saturday, with a skeleton force remaining so for months. The mill of the Iron and Steel Company has been idle for some time, with a prospect of remaining so. The question of wages, however, will keep them so. The Bellefonte Nail Works are not running on account of a difference with their coal miners, though the prospect of their resuming is better than that of others. No furnace in this region has blown out on account of the hard times, though the sales of iron at the present prices are very light. Most of the iron masters are holding for a rise.

"we have clearly not adopted voting by ballot in its integrity, for by our ballot law, Section 3, p. 34, immediately before a ballot paper is delivered to an elector, it must be marked on both sides with the official mark, either stamped or perforated, and the number, name and description of the elector, as stated in the copy of the register, must be called out, and the number of such elector must be marked on the counterfoil, and a mark placed in the register against the number of the elector. This proceeding would obviously be held a violation of the Constitution of the State of Indiana, as an interference with the secrecy which the word 'ballot' implies, and which is absolutely essential to vote 'by ballot.'"

It is clearly evident that the provision in our new Constitution, which is less liberal than the English ballot act, and is substantially copied from it and the unconstitutional act of Indiana, will entirely destroy the secrecy of the ballot, as it has existed for nearly a century in Pennsylvania.

It affects at once the rights and freedom of eight hundred thousand voters, destroys the equality which has always existed in the State between the rich and the poor man in the exercise of the elective franchise, and places all mechanics, workingmen and operatives at the mercy of employers, whether in mills, manufactories, machine shops, furnaces, forges, locomotive works, and in the great anthracite and bituminous regions of the interior, or in any other employment, entirely under the control of their employers, a despotism of our free institutions which no fair minded man can either justify or approve. It will operate very hardly upon that class of our citizens who have lately acquired the rights of electors.

By the fourth section of the fourth article of the Constitution of the United States, "The United States shall guarantee to every State in this Union a republican form of government," and in such a government the will of the majority does and must always govern.

By section two of article five of the new Constitution, "The supreme court shall consist of seven Judges, who shall be elected by the qualified electors of the State at large," to hold their offices for twenty-one years. Five Judges are to be elected and all elected on a fair contest by a majority of the electors of the State at large. Two only therefore to be elec ed in 1874, to hold office until 1895. But the sixteenth section of the same article contradicts the second section, and makes all the terms of the electors shall not elect, because no man can vote against either. "Section 16. The judges of the Supreme Court are to be chosen for the same term of service, each voter shall vote for one only, and when three are to be chosen he shall vote for no more than two—the candidates highest in vote shall be elected."

The sixteenth section is in direct contradiction of the second section, which, if it stood alone, would require, as the present Constitution does, both the additional judges to be elected in 1874 to have a majority or all the qualified electors of the State at large. But the sixteenth section says no, you shall vote only for, and not against any one. Is this not defrauding the people of their right to elect both own judges? a right which they have enjoyed since 1850, and by the exercise of which two-thirds of the Convention were elected Judges of the Supreme Court. It is nominally given to the people, but is practically taken away from them by rings, styled conventions, each composed of two hundred and fifty politicians, each ring being named by a larger politician, who, by the new Constitution, nominates its ring candidate, and, as no one can vote against him, the subsequent election becomes a mere farce. Both candidates may be incompetent or unworthy, who, if subjected to a popular vote of the qualified electors of the State, would never be made judges of the highest tribunal of the Commonwealth. How would a nominated gent e-man feel, if elected upon such a basis, after the rights of the people, on tasting his place alongside of the present members of the bench, who have been put in their stations by the direct vote of the qualified electors of the State at large.

The same policy of defeating the will of the people and depriving the qualified electors of their indefeasible right to elect their own judges, has been carried into every part of the Constitution where it is possible.

The most extraordinary instance, however, is in the seventh section of the twelfth article. Under the act of April 15, 1851, two auditors are to be elected, and one county auditor are elected every year to serve for a term of three years, by which there are always in office two auditors and one who has been fully acquainted with the duties of their respective employments. The section abolishes this most wise policy, and, to prevent any possible return to it, makes it a part of this new Constitution. "Three county commissioners and three county auditors shall be elected in each county where such officers are chosen in the year 1875, and every third year thereafter, and in the election of said officers each qualified elector shall vote for no more than two persons, and the three persons having the highest number of votes shall be elected."

This is made a constitutional provision simply to introduce into it minority representation as a counter democratic and anti-republican heresy against the great Union principle, that the majority must govern. That the majority of cumulative voting, ridden by one gentleman, have produced through it the present Constitution in utter disregard of the rights of the people.

The efforts of the Constitutionalists have been to take away the right of the people to elect their own officers. While in Maryland, Virginia, North Carolina, South Carolina, Georgia, Florida, Arkansas, Louisiana, California, Nevada, Arkansas, under their new Constitutions all officers, with a few exceptions are by ballot, the true secret ballot, our Constitutional Convention has determined to destroy it, and to place our citizens below the level of the ignorant of our sister States.

This arose privately from the manner in which its members were elected, no one gaining his seat by a contest at the polls, and some of the most active living there unsolicited by the people, and without who had died or resigned. The result was that out of 133 members, 80 belonged to the legal profession, being nearly four-fifths of the whole body, and it has, therefore, sometimes been called "The Lawyers' Convention," a designation not very flattering to one class of citizens, who, however able or eloquent, should not be expected to have a practical knowledge of all the wants of their fellow citizens, or of the working of the schemes and theories propounded for their consideration. Hence the need to put in illegested instrument, such as we have been just considering, containing a large mass of what is mere ordinary legislation, with a fatal stain at the dearest rights of the people, in the entire destruction of the ballot and the introduction of a vicious scheme of minority representation and cumulative voting, in utter defiance of the leading principle of popular sovereignty that the majority shall rule. Our hundred and three professional speakers consumed some weeks in debate. The best of common sense, Benjamin Franklin, never spoke more than ten minutes.

JOHN M. READ.

JUDGE STOWE'S OPINION.

The Acts of 1871-'72 Declared Constitutional, and the Election of Delegates Legal.

Woods & Owens vs. M. S. Quay, et al. In the Court of Common Pleas, No. 1, of Allegheny. No. — December term, 1873. Demurrer to plaintiffs' bill. Opinion by Stowe, J.:

Waiving for the present the minor questions involved in this demurrer, with reference to the right of plaintiffs to sue, and whether they are in case the allegations of the bill regarding the unconstitutionality of the Acts of Assembly, through which the Constitutional Convention of 1872 was convened, are correct, we come at once to the great question of the legal force and effect of the several Acts of Assembly specified in the bill. It is undoubtedly correct as claimed by counsel for respondents, that the decision of this question by the terms of the several *facts* alleged, and not the conclusions of law set out as arising therefrom. We therefore are bound to determine for ourselves, as a constituent part of the cause, whether these conclusions of law are warranted by the facts, and not to assume that these acts of Assembly are unconstitutional simply because it is so alleged in the bill.

I have no difficulty in considering that if the acts of Assembly in question are unconstitutional and void, the Convention was an illegal body, and its acts revolutionary; and that in such case it would be the duty of courts to exercise all their authority to prevent the mandates being carried into effect to the injury of any individual; that the Legislature would be justified in such case in using as much force as necessary to punish any attempt to force upon the people its revolutionary work, and the executive officers of the State to use all their power, civil and military, to suppress it.

If, however, in the face of all this, such force, moral or physical, was brought to bear as to overawe, or compel the submission, of the legal authorities of the State, then that force, or the arm of the law would be para yz d and the proposed Constitution would become effective, not by the law, but by the higher right of revolution which is above all law, but is nowhere recognized by it. Courts can know nothing by anticipation. They are bound to determine the law as it is previous to the successful accomplishment of revolution, as though such a fact were impossible; but when accomplished and duly recognized by the political powers of the government the Courts have no alternative but to accept the fact without question and act accordingly.

While, then, Courts must recognize the powers that be, though the product of revolution, they are bound to use all their legitimate authority to suppress acts actually or constructively revolutionary, as though they were simply rebellious and could never become legitimate.

Coming then to the question of the constitutionality of the act to authorize a popular vote upon the question of calling a Convention to amend the Constitution, approved June 20, 1871, and also the act passed subsequent to the same date and in pursuance of the same entitled "An Act to provide for calling a Convention to amend the Constitution," approved April 11th, 1872, raised by the 2d, 3d, 4th, 5th, 6th and 7th sections of complainants' bill, it is claimed that they are both unconstitutional and invalid, because,

First. There is no power given by the present Constitution to the Legislature authorizing such a proceeding.

Second, There is a different method provided by the Constitution by which it may be amended, and therefore, upon well recognized principles of law, the legal conclusion arises that no other exists.

It cannot be claimed that the authority of the Legislature and proceedings had in reference to calling this Convention are expressly given by the Constitution, but it is argued that the power arises under the second section of the Declaration of Rights, which declares that "All power is inherent in the people, and all free governments are founded on their authority and instituted for their peace, safety and happiness. For the advancement of these ends they have at all times an inalienable and indefeasible right to alter, reform or abolish their government in such manner as they may think proper." Which is to say, in effect, excepted out of the general powers of government, and is to "forever remain inviolate."

It is difficult to see any such a withholding of power from the government can, strictly speaking, exist as a right, in the sense of that term which is thus withheld, to exercise that power; but if it should appear that such power exists above and beyond the Constitution as a matter of natural and inalienable right, and has been so recognized and acted upon frequently as a fundamental principle underlying all free government, this proposition will sufficiently appear to be a solemn declaration of the existence of such right, and may, at any time of resistance fairly be said, and without any great breach of legal accuracy, to confer a power under the Constitution.

Before, however, entering into a consideration of this question, it will be necessary to examine whether there is anything in the Constitution, as urged in the second proposition, which directly, or by necessary legal implication, takes away such a fundamental right as we have suggested, in case it existed where there is no Constitutional restriction.

It is urged, and with much apparent force, that because the Constitution, in the tenth Article, "of amendments" provides a certain and carefully defined way for amending the fundamental law, the usual legislative power on the question of amending the construction of deeds and written instruments, as well as acts of legislation—the express mention of one thing implies the exclusion of another—Expressio unis est exclusio alterus—leads to the fixed legal proposition that the amendment can, under the Constitution, be made to it, except in the way and as specially provided.

(Judge Stowe then discusses this rule at considerable length, and quotes authorities and precedents bearing upon the principle. The report continues:)

Mr. Webster stated in 1848, in his argument before the Supreme Court of the United States in the case of Luther vs. Borden, "That of the thirteen States that form the Union, there is not one exception, contained no provision for their own amendment, or that it should be one that has not altered its Constitution, and it has been done by conventions called by the Legislature as an ordinary exercise of power." If this be true, the Legislature, examined so far as with the limited time and opportunity since the argument of this case, I have been able to make it, has verified it, as well as shown the constitution of the same practice to the present day, it would seem as though the question and the right of the calling of a Constitutional Convention was a legal exercise of power by the Legislature, should now be considered by all judicial tribunals as settled so firmly as a part of the common law of our government, that it would require to disturb it at this day would savor more of revolution than legitimacy. He would be bold indeed who would now assert that all these conventions were usurpations, and that all the Constitutions proposed by them and adopted by the people were revolutionary.

The conclusion I have drawn from all this is that there is a fundamental right inherent in all free governments, a principle of acknowledged right in the people to change their constitutions, except where specially prohibited by the Constitution, and in all cases and at all times, whether there is a way provided in their Constitutions or not, by the legislature of the Legislature and the calling of a Convention, as was done in the case in hand.

The offspring of revolution hardly but restrained and modified by the necessity arising out of the new principle established in the world by the accomplishment of our National Independence, that the people are the Government and not the King, and the source of all political power, it has become legitimated, and without mention in our Constitutions, is as much the law of the land as if specifically set out in them; and that as a solemn recognition of *this*, and not as a revolutionary right, the section of the Declaration of Rights of our own, and similar clauses in other Constitutions, were inserted.

The somewhat similar expression contained in the Declaration of Independence was clearly revolutionary and so understood by the people when published to the world to justify our refusal to longer submit to governmental authority, and spoke of the right of the people as against the oppression of constituted authorities; but in all instruments established by the people themselves for their own government the only rational view is to consider it as above stated, the introduction of a constitutional or legal principle by the consent of the constituted authorities of the State. This last is absolutely indispensable as is now admitted by all. To give the force and effect of law to the proceeding it must emanate from the legislative authority, and be the result of the permission or direction. The only way the people can legally act under a Constitution such as ours, is through their representatives, and therefore the matter now many may favor a Convention to change the Constitution, if one should be called and convene without proper authority from the existing government, its action would be clearly illegal and the result of illegitimate power. It follows then that no action of the Legislature in authorizing a vote of the people on the question of the amendment of their Constitution, and subsequently another act authorizing the election of delegates, was a legal exercise of legislative power, and constitutional issues developed in the acts themselves is in conflict with some constitutional provision.

This is claimed by the plaintiffs in the fourth section of their bill because they say these acts are in violation of the first section of the third article of the Constitution which gives, as every one, to every qualified voter the right to vote for as many persons as are to be chosen to fill offices, and of the fifth section of the fifth article which provides that "election shall be free and equal."

Suffice it to say as to the first suggestion that the Constitution nowhere provides that every elector shall have a right to vote for as many persons as are to be chosen; nor do I think it is necessary in practice in cases of offices which may be created and made elective by the Legislature. In cases of what are called constitutional offices a different proposition is presented which we need not now consider.

The second objection is that it violates the clause requiring elections to be free and equal. A careful consideration of this provision and a comparison of it with similar and kindred provisions in the Constitutions of other States satisfies me that no such limitation was intended to be imposed by this provision. I understand it to be nothing more than a declaration that elections shall be public and open to all legally qualified citizens, and not confined to individuals or classes. From these views it appears that the objections raised in the bill to the mode of electing the delegates to the Convention are not valid, and that both the acts mentioned are, in our opinion, constitutional. We have carefully examined so far as with the limited time and opportunity since the argument of this case, I have been able to make it, has verified it, as well as shown the constitution of the same practice to the present day, it would seem as though the question and the right of the calling of a Constitutional Convention was a legal exercise of power by the Legislature, should now be considered by all judicial tribunals as settled so firmly as a part of the common law of our government, that it would require to disturb it at this day would savor more of revolution than legitimacy. He would be bold indeed who would now assert that all these conventions were usurpations, and that all the Constitutions proposed by them and adopted by the people were revolutionary.

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FINANCE AND TRADE.

WEDNESDAY EVENING, December 10, 1873.

There seems to be a disposition on the part of the banks to reform their methods of doing business and to get clear of any practices that they believe to have been hurtful and which have helped to bring about the present condition of affairs. First among these is the habit of paying interest on deposits. The habit of so doing is based on the truth that the use of money represents to them a value and that therefore they should pay whatever it is worth; that such is true there can be no doubts the error of the past has been in the rate of interest paid and the want of discrimination as to the character of the account. Many of the banks have been paying interest at the rate of four, five and six per cent., and in some cases as high as seven per cent. on the daily balances of private parties, as well as of other banks, driven to it, against their better judgment, by the fact that some few institutions, believed to be in good standing, but very desirous of gaining new business, were offering such terms to the public. These latter banks have kept a stream of circulars going through the mails, and have employed traveling agents to make a personal canvass of the whole country, soliciting the the account of every bank and individual they could reach.

As a result the more conservative banks would receive notice from their depositors that they were offered these liberal terms by institutions supposed to be equally reliable and been asked to grant the same privileges; rather than lose the accounts of valuable depositors they have gradually but reluctantly consented to do so.

The cases in which the banks are justified in paying interest, seem to us to be about as follows:

On certificate of deposit, for not less than six months, the rate of interest to be regulated by the time the certificate has to run, that rate never to exceed 5 per cent. per annum, the certificate to be considered as renewed for the same time it was originally drawn, unless notice be given thirty days before maturity of the intention to demand payment when due.

On the reserve deposits of correspondent banks, in sums not less than three or five thousand dollars, and no interest to be allowed when the amount falls under that amount for any time during the current month, the rate of interest to be fixed not greater than 4 per cent per annum.

The sums thus held would at all times be available for use in discounting and would be safe with the exception of such times as followed the suspension of Jay Cooke & Co., where there is no system, however conservative, that would be able to stand a demand for it when the panic-stricken public.

Another vicious practice, which has grown like a parasite on the banking system, drawing its life and strength in a silent but almost unperceptible manner, is that of making city banks a general clearing house for the whole country round, taking checks on deposit at par that are drawn on foreign points, the same as checks on city banks.

To an institution in the city with a large circle of correspondents, the theory that they can handle country checks without loss, is very plausible; they say that they credit them to one account, and can in the same way charge them to another, so that there can be no loss of interest, forgetting that a large amount of the funds credited on their books is constantly travelling in the mails; and experience proves that many of their accounts will show overdrawn on their books a great portion of the time, from the charges made by themselves, while they cannot afford to throw out checks on such accounts as the overdraft is not the fault of the drawer of the check.

And further, there are two points in their neighborhood without charge, they must arrange with banks where they have no regular correspondent to make remittances at stated intervals without other charge than the use of the funds so collected.

In consequence they are paying interest on every dollar that comes into their hands for every day in the year, while a very large percentage of their funds are earning them nothing—being in course of transmission or in hands of collection agents—and it is necessary to carry a reserve for *that purely special*, to meet the demands on this class of deposits, which fluctuates rapidly from day to day.

Of the history of the rise, progress and fall of this system, something might be said. It had its inception with a National bank of Philadelphia in 1865, which bank, happily seeing the error of its ways, reformed and fled from the wrath to come, in time to go triumphantly through the panic; but the animating spirit which presided at its inception was transferred to another field.

Other Philadelphia banks, New York and this city—were gradually drawn into the same manner of transacting business, until finally every monetary center was acting as a clearing house for the neighboring country.

The tortuous windings of country checks, covered with indorsements on every available space, in order to avoid paying an honest exchange, due for the trouble of collecting, was wonderful—sometimes visiting this city a third time, and each time through a different bank, before going to the bank on which they were drawn.

The storm of the panic has about passed, and, for the time, has destroyed the worst features of past errors; yet there are already signs of their revival—the old circulars offering almost the same liberal terms "believing that conservative banking will justify them," are again flying through the mails. Traveling agents for banking companies, as importunate as commission drummers for grocery houses, are perambulating the State, and the efforts of desperate competition are employed. As the boyish child dreads the fire, so the banking public views these efforts.

There is little doubt that the spirit which brought into life, and matured into strength this system of "liberal banking" has done more to demoralize the banks of the whole state than any one other influence which has been at work, and any effort to revive it should be frowned upon and discouraged.

PITTSBURGH OIL TRADE.

OFFICE OF THE DAILY COMMERCIAL,
THURSDAY, December 11, 1873.

REMARKS.—The market could not be called an active one; buyers continue very shy, and are indifferent about taking holds. We have reports of patches of the striking of two new wells that will add to the daily production about ten thousand barrels per day. The next question is, what do you propose to do with it?

CRUDE.

We heard of no sales in the market. The last one reported was at 2¼c per gallon. The same price would buy more. The following sales were made at

FARRAGUT.

1,000 bbls Union pipe.....95c
2,000 bbls Union pipe.....97½c
2,000 bbls Mutual.....87½c

For prices at other points, see dispatches.

REFINED.

The market remains as last quoted. The rates on cars at the works are 19¾allc, according to the point of destination.

Philadelphia—Spot 18¾c; futures—January, 13½c; February, 14c; March 14¼c; April, 15c ₰ gallon. New York—Market quiet; December, 14c; January, 14c; February, 14¼c; prompt sales.

OIL BARRELS.

Market steady: city $1 85; country $1 75.

[By Western Union Telegraph Line.]

TITUSVILLE, December 10.—The "Herald" says: The petroleum market opened firm but closed weak-er owing to the receipt of a large stroke. On the upper rean the market closed at $1 15. The parkers in Oil City was quoted at $1 10. At Parkers the market closed at 91½c for crude and 90@97½c for Union pipe. The home refined market be in bulk, and 9½ in barrels. Sales and resales of crude petroleum:

1,000 bbls, upper road, spot.....1 15
2,000 bbls, upper road, spot.....1 15
500 bbls, upper road, spot.....1 18¾
1,000 bbls, Parker's, Union pipe.....97½
1,000 bbls, Oil City spot.....1 10¾
1,000 bbls, Parker's, Union pipe.....97½
2,000 bbls, Parker's, Union pipe, 10 days.....98
2,0 0 bbls, Parkers United pipe.....95½

NEW YORK, December 10, closing 9.—Market strong; offerings moderate. Total receipts of crude, 14,000 bbls against 24,000 bbls last year. Refined 13½@13¾c; sales 5,000 bbls for February at 14c.

Naptha 85½a85½c. Philadelphia delivery active and prices firm. Refined 13¼@13¾c; sales 5,000 bbls February at 14c.

PETROLEUM CENTRE, December 10.—Market steady; sales at $1.

OIL CITY, December 10.—Market steady at 90c.

ROUSEVILLE, December 10.—Market quiet at 85c and not wanted.

OIL CITY, December 10.—Market quiet and weak; nothing doing and nominal at $1 05.

TITUSVILLE, December 10.—Market quiet and weak; nothing doing and nominal at $1 05.

PHILADELPHIA, December 10.—Market firm; S. W. 13¾c; crude 4½c; cases 19c; sales none. Futures, January at 13¾c; February 14c; March 14¼c; April 15c.

[By Pacific and Atlantic Lines.]

TITUSVILLE, December 10.—The market closed weaker owing to reports of large strikes in the lower districts. Sales—Small lots crude at 91@92c; 2,000 do, $1 15. Parkers, 1,000 Union at 97½c; 2,000 do, 95c; 500 do, 95c; 2,000 United, 97½c. Small lots refined 9c; 2,000 do, 8¾c; 2,000 do, 8½c. Not much doing.

TITUSVILLE, December 10.—Market steady but quiet at $1 12½a1 15.

TIDIOUTE, December 10.—Market quiet and weaker at 90c; not much offering.

OIL CITY, December 10.—Market firm and little disposition to purchase at $1 09a1 10.

PHILADELPHIA, December 10.—Refined 13¾c; crude 4½c; in bbls 10½c; January 13¾c; February 14c; March 14¼c; April 15c.

NEW YORK, December 10.—Crude 5¾c; refined 14c; market quiet and not much doing.

WOOL MARKET.

NEW YORK.

December 6.—The present week is noted as being one of the busiest known in this market for several months past. Manufacturers have been very free buyers, notwithstanding the advanced prices asked by holders. The demand appears to be chiefly for the better class of fleeces and California, and also for pulled wools, of which the supply is only moderate; in fact, the supplies of all kinds, if we except fine pulled, are moderate, and it is expected that we shall shortly be looking to the Western marts for replenishments to meet the daily wants. We can notice no improvement to foreign. The views of holders are generally above those of buyers, and in consequence the latter are compelled to seek cheaper lines. The sales comprise 27 bales Capes at 30a36c cents; 2000 lb. Oregon, 40@66 bags X and super Pulled, 35@42c; 26,000 lb. Texas, 25@31c; 8,000 lb. scoured do., 75; 6 bales Combing do., 29; 18,000 lb. Canadian Unw., 33½; 80,000 lb. No. 1, X and XX Ohio fleece, 53@55c; 100 bales Spring California, 30@35; 41 do. burry do., 29@ 25; 11,000 lb. Fall do., 25@28; 20 bales mixed do., 21½.—Shipping List.

PRODUCE AND GENERAL MARKETS.

OFFICE OF THE PITTSBURGH COMMERCIAL,
WEDNESDAY, December 10, 1873.

The receipts by river and rail the past twenty-four hours indicate the following as the supply of the leading commodities for this market:

Flour, bbls.....	816	Wheat, sacks.....	312
Apples, bbls.....	164	Corn, sacks.....	170
Butter, pkgs.....	29	Rye, sacks.....	340
Bacon, pcs.....	5,760	Oats, sacks.....	550
Bacon, lbs.....	32,000	Potatoes, bush.....	1,100

As indicated above the receipts have materially fallen off, but the stocks in store appear to be equal to the demands of the market, which is only moderately active. Values are steady, with no material change in prices in any of the departments of the market. Flour—There has been no change to note in the price of flour from store, but with light receipts and a fair export demand the feeling prevailing is very strong. Groceries—The market for groceries continues quiet, with an average local business doing. The feeling in coffees continues strong, notwithstanding the late advance, and the dealers think prices will go still higher. Provisions—Trade in cured meats is fairly active, with the demand confined to the local trade, and prices remain steady.

The following are the receipts of the leading articles of produce received during the past two weeks:

	Last week.	This week.	Total.
Flour, bbls.....	6,922	7,672	14,594
Apples, bbls.....	1,494	1,893	3,387
Cheese, boxes.....	1,660	1,609	3,269
Corn, sks.....	2,402	2,705	5,107
Wheat, sks.....	4,769	3,044	7,813
Barley, sks.....	2,397	1,709	3,119
Rye, sks.....	1,209	1,090	2,299
Oats, sks.....	6,467	5,118	11,585
Butter, pks.....	207	147	354
Bacon, pcs.....	10,600	25,670	35,65
Bacon, lbs.....	68,000	189	135

The following will indicate the state of trade in detail in the city markets, together with the latest quotations on the leading commodities from store:

ASHES.—The market is firm, with a fair demand, and as the demand is an average one, the feeling is somewhat stronger, though prices are without change. Regular sales are made at $1 50 to $2 50 per bbl for common to medium and at $3 50@4 00 for prime to choice.

APPLE BUTTER.—There is a fair seasonable demand, but quotations are unchanged. Sales at 60@ 70c per gallon.

ASHES.—The market continues quiet, but with little doing. The nominal rates are: Soda Ash, common, 3½@4c; refined, 5c; Potash, 9c; Pearl, 10c; Arsenic, 6@6½c; Black Land, 5c.

ALES.—The market is firm, with a fair demand. The card prices are as follows: X $ ₰ bbl; XX, $9; Extra ale $10 ₰ bbl; Extra Pale, $5 ₰ dozen, in groups of 22 gals, $22 70@24 24; bbls, 41 gals, $12 95@14 05; 68 gals, $26 50@65; 4; in cases, bottles, $2 75; Wm. Youngers' Imits pale ale in cases of 4 doz bottles, $8 ₰ doz; Robt. Younges of sparkling ale $8 ₰ doz; Guinness stout, bottled by E. & J. Burke, $3 ₰ doz; Cochran's ginger ale $2 25 ₰ doz; Caswells, Haxard & Co's ginger ale $1 75 ₰ doz.

BAGGING.—The demand is limited and the market is dull, sales at 22½@ 25 for fair to choice.

BORAX.—Refined 25c ₰ lb.

BUCKWHEAT FLOUR.—The market continues quiet and prices are steady; sales at 4@4½c per lb.

BAGGING AND BAGGING MATERIALS.—Sales per doz ₰ lb cans, $1.60; ½ lb do $8 00; 1 lb do $9 50; 5 lb cans, $27 00 per dozen.

BROOMS.—Market quiet with sales red and red topped 5½@6½c; fair to good green 7½@8¾c. Hurl 9½@10c per doz.

BUTTER.—The receipts are meagre, while the demand is fairly active. Prices, however, are firm but unchanged. We quote: Fancy Roll, 32@35c per ₰ lb; choice roll, and 15@20c for common, the inquiry for which is limited.

BACON AND PROVISIONS.—The arrivals continues quite heavy, and with a limited demand, prices are steady at the following ranges, viz: Sugar cured hams 12c; shoulders 9½c; plain 8¾c; breakfast bacon 11½c; dried beef, S. C., 15½c; beef tongues $7 50 per dozen; rib sides 9c; short rib 9c; clear sides 9½c per lb; pig hams, $16 per bbl; sausage lbs; lard, refined, tierces, 9½c; half barrels 10c; buckets 10¾c; in three lb cadies 12c; in five lb cadies 11¾c; in three pound pails 12½c; in six lb pails 12¾c per lb.

CANDLES.—The market continues dull with prices are unchanged. Sales at the works free on cars 10@10¾c per gallon, and the usual advance for retail.

CIDER.—In good supply with sales at $6@8 per bbl.

CHEESE.—The market continues firm with sales at 12c per lb; $2 50 to $4 per box.

CONCENTRATED LYE.—Dealers report sales at $7 50 @8 per case of four dozen packages.

CORN MEAL.—The supply continues to meet the demands of the trade, which are fair, 2 75@3 00 for unbolted meal, and in a small way at $1 60 ₰ cwt. from store.

CRACKERS.—Trade continues satisfactory. Prices for the following grades remain firm but unchanged, We quote: Lemon crackers 7c; sugar crackers 7c; soda oyster crackers 7c; soda crackers 7c; sugar crackers 8½c; butter crackers 8½c; XXX lemon 9½c; Excelsior 16c.

CRANBERRIES.—Not much doing new to report in regard to this article. Prices were as follows: Bonnets Prairie or Cherry, $6 50@7 00; Cranville $7 50@ 8 00; Rosedale $4 00@4 50; white lime $2 00; calcined plaster $4 50; land plaster $3 00@3 50.

CURRENCY.—Conventions to charge the law made by the Legislature. The election which will be held within the next few days, at which the complainants as taxpayers may be called upon to pay, will be illegal, and in order when the complainants therefore say is the law, unless the submission of the proposed new Constitution is itself as it stands to do illegal and unconstitutional, null and void.

There are other questions involved in this case, as to the standing and equity of the plaintiffs under this bill in view of the relief prayed for, but the conclusions already expressed render it unnecessary to examine them.

The result is, the demurrer must be sustained and plaintiffs' bill dismissed.

Our Industrial Export Products.

[From the Philadelphia North American.]

There are some lines of domestic export that many well informed trade writers persist in regarding as future possibilities instead of letting the people see that they are already accomplished facts. As there is little use for argument in such matters, we propose to put the question to the official test. We therefore below submit figures bearing on the subject from the regular report of the Bureau of Statistics. First we take leather and other tanned stuffs, and find that the total exports for the fiscal year ending June 30, 1873, were $5,606,025, against a total of $4,485,178 the previous year. So that the trade increased two and a half times. These were the domestic hides, and leather. The foreign examination of the business shows that the enormous American product of cattle at once suggested to us upon the hide trade of the Republic, and that the prospect of our becoming wholly self-supplying in this line is far from being doubtful. This is also shown by the exports of domestic leather and morocco for the same period. Of the former the exporting for the last fiscal year was $4,366,174, against a total of $2,864,890 for the previous year; and of morocco $241,715, against $162,962. We have thus a value of $8,217,908 in domestic leather, morocco, hides and skins shipped during the last fiscal year. Having seen among the first to call attention to the vast importance of this line of production, in the facilities for exporting which the great leading producer of hides, leather, morocco, etc., and to the economy of our so doing in preference to encouraging a foreign import trade, that has always been against us, we feel an especial pride in pointing to the foregoing official statistics.

The stock of cattle now in the country is immense and constantly increasing, because in the vast plains of Texas, Colorado, New Mexico, Kansas, Nebraska and the Indian Territory stock raising is the most profitable occupation that can be followed. If the Rio Grande border can be protected against the depredations of the Mexican and Indian bandit hordes, it is very prospect that Texas will rival the Argentine Republic as a producer of hides and cattle. The tanning interest is fast coming abreast of the largest and most important of our industries, and is especially important in Pennsylvania, owing to the abundance of our forests and the consequent supply of bark. As connected with this we may note that during the fiscal year we exported the following values of the articles named: Value $8,376,- boots and shoes $421,545; saddlery and harness $66,508; other manufactures of leather $210,

We come now to iron and steel. During the fiscal year we exported of these articles $1,129,351, of which the iron and manufactures thereof amounted to $8,712,497, and the steel and manufactures thereof $2,887,254. The total for the previous year was for both, $8,257,166; so that the increase was $2,962,725. This is exclusive of the immense quantity exported in agricultural implements, sewing machines, railroad cars, printing presses, scales and balances, ordinance stores, etc. It is worthy of remark in this connection that we exported during the last fiscal year every form of iron and steel, including pig, bar, plate, rails, sheet, band, hoop, castings, car-wheels, stoves, locomotives, stationary engines, boilers, machinery, nails and spikes, cutlery, edge tools, files and screws, arms and ingots, bars, shapes, and wire steel. Of pig iron we exported $140,634; bar iron, $1,857,488; car-wheels, $157,488; castings, $152,576; stoves, $116,291; locomotives, $932,- 035; stationary engines, $111,567; boilers, $232,546; machinery, $3,120,986; nails and spikes, $256,099; edge tools, $546,462; arms, $1,581,809. Of unspecified iron manufactures we exported $3,262,170. It is impossible to tell the share the iron and steel trade of our other articles exported, but the exports were of scales and balances, $202,883; printing presses, $1,062,966; sewing machines, $1,261,650; ordnance stores, $696,253; railroad cars, $1,145,067; agricultural implements, $2,585,914. The increase in the exports of pig iron, nails, machinery, nails and spikes, car-wheels, edge tools, boilers, and unspecified manufactures of iron and steel, and ordinance stores, and railroad cars, and implements of industry for which the export trade has not previously received credit.

But there is another class of industrial pursuits not classed among manufactures, yet undeniably belonging thereto, that contributes immensely to the exports of our domestic products. We give as follows the value of some of these articles exported during the fiscal year: Lard, $21,248,875; bacon and hams, $35,022,137; cheese, $10,498,010; beef, $2,417,- 481; pork, $5,607,035; butter, $992,919; dried or smoked fish, $660,161. Other articles of food, $67,112; refined or manufactured petroleum for illuminating purposes, $37,196,795; naphtha, etc., $1,487,497; inedible oil, $677,966; lard oil, $298,731; sperm oil $1,158,881; cotton-seed oil, $320,566; wheat flour, $40,285,646; Indian meal, 1,474,744; rice, $1,000,000; $60,-282.

We have selected these items from the long list in the Official Bulletin to show how important a part in the exports of the Republic our domestic manufactures constitute. The total exports during the fiscal year were $549,132,565 against an aggregate of $450,911,718 the previous year. The table of exports of manufactured goods which we have given dates ago from the Boston *Advertiser*, footed up only $66,426,626 for the year ending June 30, 1873, showing an additional export of $137,654,202, or in all $203,.0,628, and have omitted a number of items. Altogether the exhibit is an encouraging one for the friends of home industry, and shows that so far from the tariff preventing our entering largely into the export trade to foreign countries, it has given a permanence to that commerce which always has been lacking in periods of free trade. It cannot be too often repeated that our exports of all kinds of products are steadily increasing, and that we not only can, but do compete with our industrial rivals in the markets of the world at large. The depression in the export trade produced by the war is fast passing away.

Murder of Female Infants in China.

Those admirers of Chinese civilization who have so zealously denied the truth of the statement that large numbers of female infants are annually murdered in China by their parents will be interested in a report just published by the Provisional Treasurer of Hupeh. The document is a curious one. It begins by reciting how, in ancient times, the girl, Tiying, begged His Majesty Wan to permit her to become a slave-girl in order that her father, who was in disgrace, might be released from bondage. In another case the girl, Mulan, wished to serve in a soldier's dress in the room of her father, the liability of her old father to serve in the wars. The Treasurer concludes that there is no lack of similar heroines, at least in disposition. "Such being the case," he continues he, "how comes it that the female infant is looked upon as an enemy from the moment of its birth, and no sooner than it is born is it thrown into the water or the nearest pool of water? Certainly there are parents who entertain an affection for their female infants, and rear them up, but such number scarcely twenty out of thirty per cent. The reasons are, either that the child is thrown away in disgust, because the parents have one, three children already, or that it was drowned from sheer poverty." In reference to the edicts against the crime promulgated by his predecessors in office, and warns all offenders that they may not only be visited by some severe calamity, but will be punished for wilful homicide. Relatives neglecting to rescue the infants from their murderous parents are also threatened with the severity of the law. "Beware and obey" are the closing words of this remarkable proclamation.

European Railways.

The general results of the working of the railways in Europe for the years 1864 7 have been officially published, and show—as is almost invariably the case—that the average cost of working roads belonging to private companies has been less than the cost of working government roads. In Germany, the cost of working railroads by the State was 59¾ per cent., and in other European countries 56¾ per cent; while the cost of working by companies averaged only 46 per cent. in Germany, and 48 per cent. in the other nations. The total length of lines in working order at the end of 1867 is given at 61,500 miles; the total cost of working, $286,928,- 920 gold, and the net revenues, $284,932,619. Only 5,000 miles of railways were operated by government. The difference in the net incomes of all the roads shows an increase in 1867 over 1864 of more than seven-tenths of one per cent., but in France the increase amounts to one and a half per cent.

PITTSBURGH LIVE STOCK MARKET.

OFFICE OF THE PITTSBURGH COMMERCIAL,
THURSDAY, December 11, 1873.

RECEIPTS.

	Cattle. No.	Cattle. head.	Hogs. No.	Hogs. head.	Sheep. No.	Sheep. head.	Horses. No.	Horses. head.	Mules. No.	Mules. head.
Thursday, Dec. 4	930	5,020	2300	.....	30	.....	17	.....	42	.....
Friday, Dec. 5	1,780	9,900	1300	30	.....	.....	.....	.....	.....	.....
Saturday, Dec. 6	178	2,80	1,215	.....	.....	.....	.....	.....	.....	.....
Sunday, Dec. 7

Weekly Commercial.

SATURDAY, DECEMBER 13, 1873.

Wanted.

WEEKLY COMMERCIALS of the following dates to complete our files: February 8th, July 13th and September 8th 1870, and March 18th, 1871.

Not least among the multitudinous industries of the United States is the wool interest. The market shows increasingly encouraging signs of healthy activity. Over three million pounds of wool were sold at Boston last week, the largest week's sale of the season without exception, and the price has advanced two cents per pound.

In the late election for Councilmen and ward officers, in this city, the Republicans elected their entire ticket in twenty-three and the Democrats in seven, while "Citizens'" tickets were elected in two, and in five wards parts of both tickets were chosen. The Councils are overwhelmingly Republican in both branches.

THE official returns of the vote of the people of New York on the amendment to the Constitution providing for the election of Judges, give 115,357 for the amendment, and 319,979 against it, showing a majority of 204,642—a pretty emphatic protest, considering that two hundred thousand voters stayed away from the polls.

A SINGULAR instance of parallelism is to be found in the fact that neither ancient Sodom nor the modern Democratic party, as represented by its leaders in caucus, contained five righteous persons. Four was the exact number of those who voted against the nomination of the notorious FERNANDO WOOD for Speaker of the House.

ACCORDING to the Boston *Advertiser*, the variations in the alignment and level of the opposite lines in the Hoosac tunnel were so slight as to be absolutely insignificant. The error in the first was but seven-sixteenths of an inch, and in the latter of one inch and a quarter. In the whole history of engineering there has hardly been any feat of which the authors can be more justly proud.

THE Forty-third Congress is remarkable for three peculiarities: It is the largest legislative body that ever assembled in the capitol; it contains the greatest number of new members, and it has the strongest representation of ex-Confederates. Let us hope it may also develop the equally important peculiarities of inflexible honesty, and strict attention to the people's business.

THE Eastern papers announce that Hon. HARRY WHITE, Hon. WM. H. ARMSTRONG and Hon. GEORGE V. LAWRENCE are making speeches in favor of the new Constitution. The same papers also announce that Messrs. WHITE and ARMSTRONG are candidates for Supreme Judges under the new instrument, and that Mr. LAWRENCE will probably be Lieutenant-Governor. Does this account for the milk in the cocoanut?

ACCORDING to the New York papers, the total receipts of foreign dry goods at that port for the eleven months of the present year, fall twenty millions below the corresponding returns for last year. The goods included in this class arriving at New York are now less than one-third of the total imports at that port, and this decrease in one branch of our foreign trade alone is very suggestive. More encouraging still, it holds true in nearly the same proportion of the imports of general merchandise.

TIME, at length, sets all things even. ALEXANDER H. STEPHENS, ex-Vice President of the Confederacy whose very corner stone, he boasted, was human slavery, instead of human liberty—the colleague of TOOMBS, and YANCY, and the RHETTS, now occupies a seat in Congress on a common level with a half dozen dark-skinned members of the very race on whose unrequited toil and suffering the detestable structure of which he was a chief officer was, avowedly, to be reared. The fact is wonderfully suggestive.

WHEN a Democratic Congressman, at Washington, speaks out against the back-pay grab, the rest charge him with having ratted to the Republicans in their anxiety to secure Mr. HOLMAN, of Indiana, wished to commit the party against the back-pay, Mr. ELDRIDGE, of Wisconsin, called him the most arrant demagogue in the House. Mr. HOLMAN, finding this reflection clinched by the caucus declaring his resolution out of order, withdrew from the room, one of the members remarking as he went, "You had better go and join the Republicans," to which he replied, "We will see whether you or I will do that first." These fellows, it will be seen, knew where Mr. HOLMAN'S honesty *ought* to carry him.

A CONTRACT has been made between the Wheeling and Lake Erie Railroad Company and Hon. WALTER SHANLY, of Massachusetts, the engineer of the Hoosac tunnel, for the construction of the entire road. It will be 208 miles in length. Starting from a point on the Ohio River, opposite Wheeling, it will run in a northwesterly direction through Ohio to Sandusky, and thence to Toledo. The country through which it will pass is most excellent for agriculture, and is thickly settled by thrifty and intelligent people. Along a part of the line are inexhaustible beds of coal and of iron ore. Work will begin on the road in the fall, and it will be pushed early in the spring. The road is to be completed in two years. There are some engineering difficulties, including several short tunnels, but they are nothing to what Mr. SHANLY has overcome at the Hoosac mountain.

THE October returns of the British Board of Tradeshow a still further decrease in our purchases from that country. The most important articles are metals and textile fabrics. The amount of iron is less than only per cent that during October, 1872; cotton goods fall off twenty-five per cent., linens ten per cent., and silk nearly eighty per cent. At the same time our domestic exports are steadily and largely increasing. The exports from New York for the week ending December 3, amounted to $5,403,950, as against $4,344,896 for the corresponding period last year; while the exports from the same port since January 1, reach a valuation of $277,285,304, against $221,003,063 for the corresponding period of 1872. From all ports, between 1860 and 1873 the increase has been, from 1864, $330,000,000; and from 1870, $150,000,000. Our "balance of trade" account will come out all right, by-and-by.

WE SAY, the other day, some statistics concerning the increased movement of flour and grain at the port of Buffalo during the season just closed. From figures which have just come to hand we observe a similar increase at other lake ports. The aggregate receipts at the ports of Chicago, Milwaukee, Toledo, Detroit, Cleveland and Duluth, from January 1 to November 29, inclusive, this year, were 4,458,461 barrels of flour and 138,330,299 bushels of grain, and during the same time last year the receipts of flour were 3,311,647 barrels and of grain 119,800,000 bushels. The aggregate shipments during the same time were 3,975,173 barrels of flour and 128,728,184 bushels of grain this year, against 3,309,183 barrels of flour and 116,187,877 bushels of grain last year—showing a percentage of increase amounting to nearly eleven per cent. over the former period. With the steady enlargement of our Western cereal crop territory this extension will also doubtless continue from year to year.

FROM the manufacturing districts great improvement is reported at all points. Many mills which have been standing idle have resumed partial production, while others have materially increased their working time. The great mill proprietors in Massachusetts and elsewhere, report themselves to be in a sound condition and expect to be soon at work again, possibly at reduced wages or time, but they do not think of remaining idle. The Lowell factories are now nearly all working on full time. The Fall River Mills, whose entire stoppage so lately seemed imminent, have considerably increased their operations. Some of them are now working full time, and there is scarcely a doubt that all of them will do so on the 1st of January. From the manufacturing centers in Maine and New Hampshire the accounts are almost invariably favorable. In our own State, too, the textile factories are again starting up, and even from Paterson, N. J., comes news of the resumption of some of the silk factories at that place. Our own iron works in various directions are also giving notice of a resumption of business on a substantial demand in the market for iron, so that there is reasonable assurance that in that, our staple manufacture, the worst is over. Everywhere the business outlook is of a more cheering character than it has been for two months past.

IT is the common boast of those who defend the abortion known as the new Constitution that comparatively few of the papers of the State oppose it. A fitting answer to this would be that but a very few of them support it. The rest are either lukewarm or so indifferent as to give it but a nominal support.

On the other hand, all the religious papers in the State oppose it, and for the best of reasons. Nearly all the papers in Philadelphia fight it. All of the Judges of the Supreme Court are against it, and so are nearly all the subordinate Judges in the State. All the leading lawyers of the State, who were not members of the Convention, are opposed to it; and it would be perfectly safe to say that nearly all the thinking, reflecting men of the State are likewise against it.

The demagogues are all for it; we admit that. They think it is popular, and they are always on what they guess to be the winning side. They have often been mistaken as to this point, however; and we think never more so than now. Their support of the instrument is one of the strongest arguments against it. We always feel safe when we know they are on the other side; and in this instance, whether successful or not, we shall always congratulate ourselves that we were on the side of the prudent, far-seeing and discreet men of the Commonwealth, rather than found consorting with such political scalawags as LILLEY and WOODWARD, or such humbugs as BUCKALEW and SIMPSON.

WHY WE ARE OPPOSED TO THE NEW CONSTITUTION.

We have neither the room nor the leisure to discuss, point by point, the various grounds of opposition to the new Constitution. We therefore group them together as briefly and as pointedly as may be. We are opposed to it, then—

1. Because it destroys the secrecy of the ballot, thereby depriving the citizen of his greatest privilege. It requires all ballots to be numbered, with the number opposite the name of each voter respectively in the list of voters, thereby rendering it easy to learn how every man votes.

2. Because it imposes new qualificaitons upon voters, requiring them to be naturalized a month before elections, and to be two months residents of the districts in which they vote.

3. Because it renders a Registry law inoperative by prescribing that the absence of a name from the Registry list shall not hinder a man from voting.

4. Because while it bases representation ostensibly on population it establishes the vicious principle of territorial representation in the House of Representatives, giving to Forest county, with a population of 4,000, a representative, while it denies representation altogether to over 15,000 citizens of Allegheny county. This is worse than the rotten-borough system of England.

5. Because it gives one Senator to Delaware county, with only 39,000 of population, and one to Lebanon with 34,000, while it gives but one to Chester with 77,000, and only one to Berks with 106,000, while all over the rest of the State it requires a population of 70,500 to each Senator. Unequal representation is contrary to every principle of right and justice.

6. Because it limits Philadelphia to a representation of one-sixth in the Senate, no matter what her population may be. If, in 1880, her population should be one-fourth that of the State, she can yet never have more than one-sixth of the Senate. The rest of the State does not want to profit by a wrong done to Philadelphia.

7. Because while holding out the delusive promise of biennial sessions of the Legislature, it leaves the door open to the annual meeting of that body. Experience has proven, in other States, that where the opportunity is given, some pretext has always been found for convening biennial legislatures annually.

8. Because, of itself, the biennial system is wrong. It is better, if the people chance to get a bad Legislature, to have the power to oust it in a year than to be saddled with it for two. The Senate, under this instrument, cannot be changed in less than four years.

9. Because it compels an extra session of the Legislature whenever a vacancy occurs during a recess in the office of the United States Senator from this State—an unnecessary and useless expense.

10. Because it creates the unnecessary office of Lieutenant-Governor, and deprives the Senate of the choice of its presiding officer. A vacancy in the office of Governor has occurred but once in all our history, and then the vacancy was filled by the Speaker of the Senate. It is a useless expense to create this officer solely to fill a vacancy that so seldom occurs and that can as well be filled otherwise.

11. Because it increases the number of the Legislature to double its present size, thus largely increasing the cost of legislation to the State, without any other advantage than the fancied one that it will be harder to corrupt a large body than a small one. It may possibly be harder, but it certainly will not be impossible; and the possibility of the increased difficulty is not worth what it will cost.

12. Because it throws so many difficulties in the way of general legislation that the people will never know what their laws really are. Under the first section of the Article on Legislation any Act of the Legislature may be tied up for years in the Courts on questions raised as to whether, on its passage, it was not altered or amended so as to change its original purpose.

13. Because it stultifies itself by providing in one article that each house "shall judge of the *election* and qualification of its members," and in another article providing that "the trial and determination of contested elections of * * * Members of the General Assembly * * * shall be by the courts of law." How is each House to judge of the election of its members, if the courts of law are to determine that question? The one article is in direct contravention of the other.

14. Because it creates different terms for State officers—Governor four years, Secretary of Internal Affairs four years, Auditor General three years, and State Treasurer two years, thus rendering frequent elections necessary for State officers, when they should all be chosen at once. The Secretary of Internal Affairs is to be chosen in 1874 for four years, the Auditor General in 1874 for three years, the State Treasurer in 1875 for two years, the Governor in 1875 for three years, and again in 1878 for four years. This will render elections for State officers necessary not only in 1874, but in 1875, 1877, and in 1879, when there are no Legislatures to be chosen.

15. Because it renders necessary the imposition of local taxes on classes of property that have always been exempt, as in the case of *sheep*, for instance, and declares void all acts exempting real estate from taxation, thus voiding the act of 1806, exempting real estate from taxation for State purposes, and restoring that tax to life.

16. Because it authorizes the exemption of churches and cemeteries from taxation, but prohibits the exemption of school houses, seminaries, and colleges, which are just as deserving of exemption.

17. Because it prohibits the appropriation of money to aid charitable institutions not absolutely controlled by the State. This cuts off the infirm and crippled, the deaf and dumb, the blind and the idiotic from State aid, and either compels their support by private charity, or forces the present owners of such institutions to give them up to the State. At present, these classes are supported jointly, by private and public aid. Under this Constitution the State must do all, or aid none.

18. Because it deprives the people of Philadelphia of the power to choose the prothonotaries of their courts. This is a most decided anti-Republican feature.

19. Because it introduces the vice of cumulative voting into private corporations, thus placing it in the power of a minority to obtain control of such corporations.

20. Because it empowers railroad companies to build railroads "between any two points within the State," thus giving them power to pass through any of the streets of any municipal corporation without asking its leave or being subject to its direction.

21. Because it prohibits the officers, directors and employees of railroad companies from being stockholders in their own roads by declaring that no such officer, director or employee shall be interested, directly or indirectly, in the business of a common carrier.

22. Because it descends to the petty and contemptible business of prohibiting railroads from issuing free passes.

23. Because it entails upon the people an enlarged Judiciary, at an enormous additional cost to the people, and because, also, the entire Judiciary article is obnoxious to the best legal men in the State.

24. Because its makes all boards of County Commissioners and Auditors elective at one time, and for three years, thus preventing the people from changing those boards, yearly, if they wish, as now.

25. Because it recognizes the pernicious principle of minority representation, in the election of such boards, and in the election of Supreme Judges, when two are chosen.

[Two Supreme Judges, under this provision, are to be chosen in 1874, and each voter is to vote for but one. Thus, one of the nominees of each party will be chosen. This not only makes the minority equal in power to the majority, but renders it impossible for the people to defeat the nominee of either party, no matter how objectionable he may be. It will thus be possible for sixty-seven men in each of the Republican and Democratic Conventions to determine absolutely who these two Judges shall be, and the whole task of choosing two Judges of the Supreme Court for 700,000 voters will thus devolve upon 134 men.]

26. Because, if adopted, it will have to be endured for five years without chance of change, whereas, the present Constitution can be changed in three.

27. Because the Convention defied the Legislature, and public sentiment in refusing to submit the Legislative and Judiciary articles to a separate vote of the people, although asked to do so by the legal number of one third of its members. The enforced submission of the Constitution, as a whole, was an illegal and arbitrary exercise of power, intended to deprive the people of their just rights in the premises. It was the design of those who adopted this course, to force the people to take the bad with the good, or, as one of the members expressed himself, "he would see the people in h—l first, before he would give them the chance to reject a part of his work and take the rest." As it has never yet grown wise or proper to do evil that good may come, we do not propose to indorse a dozen wrongs to get at one right.]

28. Because, finally, the whole instrument is based upon the fundamental lie that the people are not honest, and cannot safely be trusted. Its whole purpose seems to be to hedge the people in, to keep them from going wrong. The only honest men in the State, one would suppose from reading this Constitution, were the one hundred and odd Constitutional bummers who made it. No one else is to be relied upon. We do not allow ourselves to entertain so foul an opinion of the masses of the people as this, and are quite willing to continue to trust them with the powers they now have.

There are, we admit, some good points about this bad paper, but they are very few, and there is no need to show such a mass of crudities, absurdities and wrongs to secure the little good that is left. *There is not a single good feature in the whole instrument, that cannot within the next three years, be incorporated in the present Constitution, under its own prescribed method of amendment*, if the people wish. There is no necessity, therefore, for swallowing the bad to secure the good, as the good can be as well secured in another way, with the bad left out.

THE SUPREME COURT ON THE CONSTITUTION A CONVENTION.

We publish in full, to-day, the decision of the Supreme Court, sitting at Philadelphia, on the question as to the right of the Constitutional Convention to exercise legislative powers. The Convention claimed that it had this right, and in the ordinance it adopted for submitting the Constitution to a vote of the people, it exercised legislative powers in appointing a Commission to hold the election in Philadelphia, thereby setting aside the law which created the Convention, as well as the laws regulating elections in Philadelphia.

The decision, as delivered by Judge AGNEW, is the *unanimous* decision of the Court. It carries with it, therefore, a great moral weight. Political considerations had nothing to do with it. Judge SHARSWOOD is a Democrat of the strictest school; but he unites cordially with the other Judges in denouncing the act of the Convention as usurpation. The case, therefore, has been settled on its merits, and the legal question involved was so plain and clear that the Court had no difficulty in arriving at the conclusion that the Convention had no powers but those conferred upon it by the act of 1872.

The act of 1872 contained three limitations upon the conduct of the Convention. *First*, the Constitution or amendment to it was to be submitted to a vote of the people, the election thereon to be conducted according to the election laws of the Commonwealth. *Second*, it was prohibited from meddling with or changing the Bill of Rights. And *third*, if one-third of the members of the Convention demanded it, any article of the Constitution specified by that number of members was to be submitted to a separate vote of the people.

The *first* of these limitations the Convention transcended by enacting that the election on the Constitution in Philadelphia should *not* be conducted under existing laws, but under a Commission appointed and empowered by this usurping authority. The *second* it transcended by amending and altering the Bill of Rights. And the *third* it set at defiance by refusing to submit the legislative and judiciary articles a separate vote of the people, although asked to do so by more than one-third of its members.

The Supreme Court has set aside its action on the first of these points, on the ground that the Convention had no powers but those expressly given to it by the act of 1872. The application for injunction, pending before it, extended only to the question of the election in Philadelphia; but does it not follow that, having clearly transcended its powers in the one case, its other acts of assumption and usurpation are of themselves null and void? There would seem to be no escape from this conclusion; and it remains to be seen how far the people are willing to go in endorsing these lawless acts. The Supreme Court has set one of these acts aside, and has done its part in deciding the legal questions involved. And the highest legal tribunal of the State having thus set its seal of condemnation upon the Convention by declaring its acts illegal and unconstitutional, it remains for the people to complete the work thus begun, by strangling the monster to which the Convention has given birth, and in bringing forth which it has set law, order, Constitution and usage completely at defiance.

The men who were so intoxicated by their elevation to the task of Constitution-makers as to lose all regard and reverence for law were not fit for the work of framing a Constitution. They forgot the first of the essential duties of citizens—obedience. Law-breakers are not qualified to act as law-makers. The Supreme Court has put upon them the indelible libel of "usurpers;" and no one can read the decision of the Court and not conclude its decision is right. The people will have to go to the polls on the first November, deprived by the Convention, of the power which the act of 1872 gave them; and the only fit answer of a free people to such a gathering of law-breakers and conspirators is to reject their work as the work of men unfit for their place, and unworthy of confidence, because they assumed powers never delegated to them.

We thank the members of the Supreme Court for the promptness with which they have met the usurpations of the Convention, and the clearness with which they set forth the law governing such cases. It is the fashion, with some, to speak assertively and harshly of courts; but the people have always found them true in the hour of emergency; and it is a matter of general rejoicing that they have in their courts a sure bulwark of defense against all attempts to outrage the supremacy of the laws.

TERRITORIAL REPRESENTATION.

The new Constitution makes population the basis of representation, yet incorporates with it the provision that each county shall have at least one Representative, thus giving to mere territory a representation without regard to population.

This is a most vicious principle. The old "rotten borough" system of England, which that country got rid of forty years ago, was not more vicious, in its worst aspects, and it will be a shame to see such a departure from the Republican basis of government incorporated in our Constitution.

By dividing the population of the State, 3,521,791, by 200, the number of representatives of which the new House is to consist, the ratio for a representative is found to be 17,609; yet by giving to each county a representative, the following counties, with populations below that ratio, will each send a member to the House:

Counties.	Pop'l.	Counties.	Pop.
Cameron	4,273	Juniata	17,390
Elk	8,488	McKean	8,838
Forest	4,010	Pike	8,436
Montour	15,344	Snyder	15,606
Potter	11,905	Union	15,560
Sullivan	6,191		
Wyoming	14,585		129,338
Fulton	9,360		

These thirteen counties, with 139,338 of a population, elect thirteen members of the House, while Allegheny, with a population of 262,204, nearly double that of these thirteen counties, elects but fourteen.

But this is not all. Counties sending less than five members to the House are entitled to an additional member for any surplus exceeding *half* a ratio; while counties sending five or more members are not entitled to representation for any fractional surplus, even if it should reach 17,608. Thus Columbia county, Mr. BUCKALEW'S home, with a population of 28,796, sends two members, while Greene, with 25,887, sends but one. The ratio in Columbia county is this 14,384, while in Allegheny county it is 17,609, and our fractional surplus of over 15,000 is not represented at all. In other words, 14,384 people in Columbia county send a representative to Harrisburg, while 15,678 in Allegheny county and 15,608 in Lancaster county get none at all. Thus Columbia county, which is Democratic, gets two representatives for 28,796 people, and 31,376 in Allegheny and Lancaster counties, which are Republican, go without representation altogether.

Why should Forest, with its bare 4,000 of population, have a member, while 15,678 of a population in Allegheny is unrepresented? Why should Cameron, with 4,273 people, have a member, while Clearfield, with 25,741, has but one? Why should one voter in Potter, in Cameron, or Forest have the same power as six in Clearfield or Greene? To show the utter inequality of this kind of representation, we append a table of counties, each of which have but one member, to show the disparity in representation which this system will introduce:

Cameron	4,273	Clearfield	25,741
Forest	4,010	Jefferson	21,606
Elk	8,488	Greene	25,887
Fulton	9,360	Clinton	23,211
McKean	8,838	Perry	25,447
Pike	8,436	Warren	23,897
Sullivan	6,191	Monroe	18,362
	49,583		164,901

These fourteen counties are to elect fourteen Representatives, and a population of 49,583 in seven of them, elect as many as 164,201 in the other seven! Westmoreland, with a population of 58,719, or 9,126 more than the seven counties in the first column, elects but three members against their seven! And here is another table of counties, those in the first column electing but one member, and those in the second electing two:

Counties with one Memb'r.		Counties with Two.	
Clearfield	25,741	Adams	30,315
Clinton	23,211	Bedford	29,635
Jefferson	21,606	Columbia	28,796
Greene	25,887	Carbon	28,144
Perry	25,447	Lawrence	27,494
Warren	23,897	Somerset	24,726
Monroe	18,362	Clarion	26,537
	164,210		198,921

Thus seven counties with a population of 164,201 get but seven Representatives, while seven other counties, with only 198,921 get fourteen! The difference in the population of the two sets of counties, is only 34,720, yet this fraction gives them seven representatives, while the fractional surplus of 31,376 in Lancaster and Allegheny, goes without a representative!

Was there even a gerrymander equal to this in iniquity?

But let us follow up this same iniquitous system into the Senate. To get at the ratio for a Senator you have to divide 3,521,791 by 50, which gives 70,436 as the ratio. Counties with less than a ratio, but with more than one-fifths of a ratio, entitle to a Senator, and counties with more than one ratio and less than an additional Senator for every three-fifths of a ratio; but, and here the trouble comes in, where a county with less than four-fifths of a ratio adjoins counties which are each entitled to one or more Senators, such counties may be assigned a Senator. Now, there are two such counties—Lebanon and Delaware. Lebanon has a population of 34,096, and Delaware 39,403—together 73,499. Chester with 77,805—4,306 more than both of them, will have but one Senator, while they will have two. Berks, with 106,701, will have but one Senator, and they, with 33,202 *less*, will have *two*. Is this fair? or just? It is too flagrant to be even decent.

There are other discrepencies in this basis, equally glaring. Schuykill, with 116,428, will have two Senators, and Berks, with 106,701, will have but one. Allegheny, with 262,204, will have four Senators, while Lebanon, Delaware and Schuykill, with only 189,727, will have as many; and Allegheny, Schuykill, Delaware and Lebanon with a population of 452,131, will have eight Senators; and Philadelphia, with 674,022, will have no more. We append a table of contrasted counties, each of which is entitled to one Senator, and no more:

Delaware	39,403	Berks	106,701
Lebanon	34,096	Chester	77,805
Dauphin	60,740	Montgomery	81,612
Lehigh	58,798	York	76,124
Cumberland	35,237	Erie	65,675
Northampton	61,432		
Crawford	63,532		408,225
	375,018		

Here seven counties, with a population of 375,018, get seven Senators; while five counties, with 408,225, get but five. The whole thing is a monstrous perversion of right and justice. No man can give a good reason for allowing to a voter in Lebanon or Delaware, double the power, politically, of a voter in Chester, and three times that of a voter in Berks.

The evil consists in giving to mere territory a representation, without regard to population. There should be but one basis of representation—numbers. Our present basis is that of the number of taxables, and it is much fairer than the one under consideration. If fractions are entitled to representation at all, the rule should be uniform; but in this instrument fractions in one county are represented, and in others excluded from representation.

An unfair an unequal basis of representation is dishonest, at bottom, and if incorporated in our Constitution, will assuredly beget dishonesty, as like begets like. You cannot gather figs from thorns nor grapes from thistles; and a Constitution which is based on fraud cannot fail to bring forth the legitimate results of fraud.

MORE BLUNDERS.

If the people had been allowed the needed time to detect the blunders made in the new Constitution, there would soon be a grand display or mistakes detected. As it is, quite a number have already been detected. A correspondent of the Philadelphia *Inquirer* points out the following:

The new Constitution, if adopted by the people, is to take effect on the first day of January, 1874, for all purposes not otherwise provided for therein. (Section 1 of schedule.) It will then, of course, supersede entirely the existing Constitution.

The existing Constitution provides that "The General Assembly shall meet on the first Tuesday of January next after every election, sooner convened by the Governor." (Section x, article i). It is under this provision that the General Assembly will meet on the first Tuesday of January, 1874, if the present Constitution remains in force. But if the new Constitution shall be adopted on the 16th day of December, the existing Constitution will expire on the first day of January, 1874, and the new Constitution will then take effect and become the Constitution of the State.

Now, as the new Constitution provides that the "General Assembly shall meet on the twelve o'clock noon on the first Tuesday of January every second year, and at other times when convened by the Governor," and as the new existing Constitution provides that the "General Assembly shall meet on the first Tuesday of January in every year, will be inoperative and extinct on the first day of January, 1874, if the former is adopted, it manifestly follows that no General Assembly can be convened under the new Constitution until the first Tuesday of the second year after the adoption of the new Constitution, that is, the first Tuesday of January, 1875.

But there is another peculiarity of the new Constitution to which public attention should be directed.

The second section of the second article provides that "members of the General Assembly shall be chosen at the general election every second year," and that "their terms of service shall begin the first day of December next after their election." No election for members of the Legislature can, therefore, be had until the general election to be held in the year 1875, excepting only an election for Senators to fill vacancies, who, by the third section of the schedule, are to be elected at the general election the year 1874.

The term of service of the members elected at the general election of 1875 will begin on the 1st day of December, 1875, but as the first session of the Legislature shall not be held under the new Constitution in January, 1875, the members elected in the fall of 1875 cannot convene in regular session until January, 1877. It is probable that the Convention did not contemplate the result. But how is it to be avoided?

May I also ask from the advocates of the new Constitution a solution of the following puzzle:

The article on "legislation" prohibits the Legislature from passing any special law "*creating corporations, or amending, renewing or extending the charters thereof*," while the article on "private corporations" provides that no law hereafter enacted *shall create, renew or extend the charter of more than one corporation*?" This latter provision necessarily implies that the Legislature may create, renew or extend the charter of *one* corporation at any *one* time. But how can it do this without disregarding the former provision?

Again, the article on "private corporations" confers upon the Legislature the power to "*alter*, revoke or annul any charter of incorporation now existing and revocable at the adoption of this Constitution." We have already seen that the Legislature is prohibited from "amending" any charter. Now, if the Legislature should grant a charter how is it to be determined whether the change is an alteration without being an amendment, since the Legislature may not amend although it may alter?

Every amendment must be an alteration, but every alteration may not be an amendment; but, as amendments are prohibited, it would seem to follow that the alterations can be made only when they are not amendments. But then the clause in the same section which confers the power to alter, revoke or annul, provides that it shall be exercised "whenever in their (the Legislature's) opinion it (the charter) may be injurious to the citizens of this Commonwealth;" from which it may be inferred that an alteration can be made only when in the opinion of the Legislature the charter requires amendment. But as we have already seen, an alteration which is an amendment is prohibited.

TAX ON PERSONAL PROPERTY.

The new Constitution provides that "all taxes shall be *uniform on the same class of subjects* within the territorial limits of the authority levying the tax."

Under this provision all kinds of personal property will be subject to the same tax—Horses, Cows, Mules, and sheep are personal property. Under our present laws SHEEP have always been exempt from taxation; but under this new provision SHEEP will have to be taxed along with Horses and Cows, for County, School, Poor and Road taxes. SHEEP belong to "the same class of subjects" as Horses and Cows, and the taxes to be uniform, must apply to all alike. The sheep-growers of the western counties of the State, who have heretofore profited by this exemption, will, if the Constitution is adopted, have to pay the same rate of taxes on sheep as on other animals, and for the same purposes. It is for them to say whether they will subject themselves to this taxation or not. They are perfectly competent to impose it upon themselves; and they may rest assured that, once imposed, it will not be easily got off.

The exemption of sheep from taxation which has so long prevailed in this State, was indended as an encouragment to the sheep-growing interest; and the restoration of the tax upon them is a direct attack upon that interest. Let the sheep-growers decide for themselves.

The country of the Modocs is fast filling up with herds of lowing kine and bleating sheep, which graze and grow fat near the famous lava beds.

GENERAL AND PARTICULAR.

It is estimated that Louisville consumes a hundred thousand glasses of whisky and beer a day. Some of its papers show signs of the resultant delirium tremens.

The annual National Convention of Breeders of Short Horn Cattle was held at Cincinnati last week. Archbishop Purcell's bull against Halsted was not introduced.

The singular ecclesiastical fact should not be overlooked, that the "Reformed Episcopal Church" has only one Cummins and no incumms at all.

The New Hampshire Historical Society has received the interesting and appropriate gift of a hornet's nest twelve feet in circumference, and now wants to trade it off for a woman's rights convention.

A Christmas recipe for obtaining immortality. Write your name with kindness, love and mercy on the hearts of the people you come in contact with day by day, and you will never be forgotten.

The Georgia papers are growling about hard times, and yet we notice that a circus at Atlanta took in $3,500 at one performance, recently. False pretense, somewhere.

If war should come to us in the line of honor and wisdom, we must stand to it like a nation of men. But war is the most horrible of facts, and in the Cuban case the facts are not yet all before us as evidence. Let us be sure, and we shall be all the bolder in the last resort.

"Patience wanted a nightingale; Patience waited, and the egg sang." Things go by turns, and when we understand their natural sequence, it is true philosophy to endure what we cannot help, and to wait until the "egg sings."

It is not generally known that a simple and efficient means for protecting dwellings against lightning is to connect all the fireplaces, iron bedsteads and bell-wires by means of one wire to the iron rain-water pipe, polishing the surface of this at the junction, and contact being also secured by soldering. A house thus protected may be struck, but it would scarcely be possible that it should be seriously injured.

Potatoes are so scarce in Illinois that one county alone will have to import at least $100,000 worth this winter.

Boston is elevating its Athenian nostrils at the pork-packing establishments, and insists that the esthetic sense of the immaculate town will only be appeased by the removal of these obnoxious institutions.

James F. Joy, the Michigan railroad king, has got a big railroad bridge across the Detroit river in his brain. The capital represented by the railroads centering at Detroit amounts to $100,000,000, he says, and the Detroit river now without a bridge is simply a nuisance.

A New York grand jury is considering the question of indicting the deputy sheriffs and court officers, who are alleged for a consideration to have indorsed on a number of summonses as "not found" the persons summoned to appear as jurors.

The shaft that the Saratoga monumental association propose to raise on the spot where Burgoyne surrendered in 1777, will be eighty feet square at the base and ten feet at the summit, and 220 feet high, and will cost $300,000.

Castelar has three rebellions on hand already—those of the Carlists, Cartagenists and Volunteers in Cuba—and another one under Serano in behalf of the Prince Asturias, the son of Bourbon Isabella, is threatened.

The hard times also have their effects upon the Indians. One horse will now purchase two Apache squaws, and the owner of the females will throw in a dog or two rather than lose the bargain.

In Maine it is polite to speak of the *delirium tremens* as "apple-jactitation," lest a breach of the liquor laws might be implied.

Under the new coin system of the German Empire, whereby silver is no longer legal-tender, except for very small amounts, 975,446,170 marks have been coined up to November 1st.

An eccentric will wherein the testator requested that his body might be consumed in a gas retort, and thus made to contribute to the enlightenment instead of the poisoning of the world, has revived the long forgotten subject of cremation.

The advance in the price of the porcine product in Cincinnati to five dollars per hundred pounds, is good evidence that the great West has pretty thoroughly repaired her end of the financial fabric.

The great clock of the Houses of Parliament, London, has been misbehaving itself. It lost nearly one second last month, and consequently has been stopped for cleaning. The average variation of this clock does not amount to a quarter of a second in the year.

It has been discovered at Bloomington, Ill., that the air of a coal mine is a cure and preventive of whooping-cough, and the children of the miners, when attacked with that complaint, are taken down into the shaft, and in a short time are entirely recovered.

Do you know that if you put a little blood (from any animal) on each of your orchard trees, the rabbits will not trouble them?

The distillers of fine whisky in Kentucky desire an extension of the bonding period from the present limit of one year to a two years' limit. They urge this on the ground that the panic has interfered with their ability to pay their taxes.

A society has been organized in Iowa to encourage fish culture in the rivers of that State.

The rise in the price of quicksilver during the past year has stimulated work on the California mines of that metal. The Rattlesnake is supposed to be the richest quicksilver mine in the world. California will probably soon exceed Austria in the production of quicksilver.

There are large numbers of cattle in Kansas, Colorado and Texas which, but for the untoward condition of markets and money, would have gone east of the Missouri, and the prospect seems to be that the cattle trade of 1874 will be immense.

The New York picture market is reported to be exceedingly dull this winter. Foreign paintings crowd the market, and native artists complain of a lack of appreciation.

A strong point in General Grant's administration, has been the appointment to prominent positions of men comparatively unknown. Such men were Cresswell, Belknap, Robeson, and Williams, yet which of them can be pointed out as incapable or inefficient?

"Chinese cheap labor" is a failure on Louisiana sugar estates. The Southern papers complain that it costs about $300 each to get the Celestials there, and that they usually quit work after about the third month, and take to stealing for a livelihood.

Colorado proposes to construct an irrigation canal from Platte river canon to the eastern border of the Territory. The distance is 250 miles, and a sufficient volume of water will be secured through the canal to irrigate a vast expanse of now arid waste.

The steady increase in the number of patents issued at Washington, year after year, shows the inventive spirit which is inherent in the breast of every genuine Yankee. From 1836 to the present time, no less than 40,000 patents have been granted by the United States.

Duluth has a skating rink. It is 420 by 160 miles, and has an area of 32,000 square miles, and is called Lake Superior.

A cattle famine is threatened in California. The animals are already very lean, the stock is large, prices about half what they were last year at this time, pasturage very poor, and the rains will soon set in. Many herds have been driven to Nevada.

Washington, which, down to 1870, was the shabbiest of National Capitals, is now acknowledged by all who have visited it during the past six months to be one of the most beautiful of American cities.

The Washington *Star* announces that a movement is on foot to oust Senator Patterson, of South Carolina.

The report of the Department of Agriculture for November and December shows that the average of the tobacco crop, in comparison with last year, is ninety-four.

Lamentable Ignorance.

To the Editor of the Pittsburgh Commercial:

In the *Gazette* of this morning, the Hon. D. N. White writes, over his own signature, a statement which shows that, after a year spent in the Constitutional Convention, and a month at home writing up its merits, he does not know how it will effect our own county. He says: Allegheny county in the new House of Representatives, when his darling Constitution is adopted, will have eleven members of the House; Pittsburgh, four or five members, and Allegheny two members.

A very *little arithmetic* would have enabled him, or any one else, to discover that Allegheny county, instead of eleven, will have only six members; Pittsburgh five members, and Allegheny city three members:

In tabular form:

Allegheny county	122,948	6 members.
Allegheny City	55,180	3 "
Pittsburgh	86,076	5 "
	262,204	

I fear Mr. White was a representative of the *lazy* Republicans in Convention, who allowed Mr. Buckalew to do all the figuring for them. It is incredible that a public man, on a subject which he professes to know more about than anybody else, should, over his own signature, make statements which demonstrate that he scarcely understands the alphabet in regard to his own county.

I don't desire to multiply words with a man who boasts having read all the Constitutions in the country, and pronounces *this* the best one, when detected in a mistake of five members in the House of Representatives for his own county.

December 2, 1873. CENSUS OF '70.

THE NEW CONSTITUTION.

Further Opinions of the Press.

[From the York Republican.]

An immense amount of nonsense and balderdash has been written, spoken and published about the powers of a Constitutional Convention, which are claimed to be universal, complete, absolute.

"As broad and general as the casting air."

This was the theory on which the Convention acted. They claimed that the absolute sovereignty of the people was delegated to them.

Now, it is an important matter to determine what were the power and authority committed to the body, whose work is before the people for their adoption or rejection.

Absolute sovereignty, of course, resides originally in the whole body of the people. The people have voluntarily limited the exercise of that power by the adoption of successive written Constitutions. The Constitution of 1838 is the last limitation imposed by the people on the exercise of their own sovereign powers. Its adoption was itself an act of sovereign power. It is still in force and authority, and will continue so to be until it is abrogated by the people. It is true that that Constitution asserts the right of the people, at any time, to "alter, reform, or abolish their government." That right is not denied by any one. It is the right of revolution, always residing in the whole body of any people. But the calling of a convention to "amend the existing Constitution" is not an exercise of that revolutionary right. It is merely the exercise of another right *reserved in the existing, and provided for in the Constitution*, to amend it in a constitutional way, at pleasure.

A Convention, called by the people for any purpose, is subject, in every respect, to the Constit